

## NOMINATIONS.

*Executive nominations received by the Senate March 2, 1901.*

## TEMPORARY APPOINTMENTS IN THE NAVY.

Thomas C. Wood, formerly a lieutenant in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, September 28, 1898, and not to operate to restore him to the naval service.

George H. Norman, jr., formerly a lieutenant (junior grade) in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants (junior grade) of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 1, 1898, and not to operate to restore him to the naval service.

John T. Edson, formerly an ensign in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of ensigns of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 17, 1898, and not to operate to restore him to the naval service.

John F. Bransford, formerly an assistant surgeon in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant surgeons of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, March 23, 1899, and not to operate to restore him to the naval service.

Alexander Brown, formerly an assistant paymaster in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant paymasters of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, December 2, 1898, and not to operate to restore him to the naval service.

## MINERAL-LAND COMMISSIONER.

Jule M. Hartley, of Missoula, Mont., to be a mineral-land commissioner in Montana. Reinstatement.

## COLLECTOR OF INTERNAL REVENUE.

Thomas E. Davis, of West Virginia, to be collector of internal revenue for the district of West Virginia, to succeed Albert B. White, resigned.

## POSTMASTERS.

F. O. Brewster, to be postmaster at Harvey, Wells County, N. Dak. Office became Presidential July 1, 1900.

Joseph M. Miller, to be postmaster at Windber, Somerset County, Pa. Office became Presidential April 1, 1900.

Frank H. Bangham, to be postmaster at Susanville, Lassen County, Cal., in place of D. C. Hyer. Incumbent's commission expired March 1, 1901.

George W. Humphreys, to be postmaster at Dunsmuir, Siskiyou County, Cal., in place of C. A. Bills, resigned.

Nora H. Kelly, to be postmaster at Lockhart, Caldwell County, Tex., in place of William Kelly, deceased.

## CONSUL-GENERAL.

William A. Rublee, of Wisconsin, to be consul-general of the United States at Hongkong, China, vice Rounseville Wildman, deceased.

## HOUSE OF REPRESENTATIVES.

*[Continuation of proceedings of legislative day, Friday, March 1, 1901.]*

The recess having expired, the House reassembled at 9 o'clock a. m. (Saturday, March 2, 1901), and was called to order by the Speaker.

## BOUNDARIES OF VIRGINIA AND TENNESSEE.

Mr. RHEA of Virginia. I ask unanimous consent for the present consideration of the joint resolution (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a recent compact or agreement hav-*

ing been made by and between the States of Tennessee and Virginia whereby the State of Tennessee, by an act of its legislature approved January 28, 1901, ceded to the State of Virginia certain territory specifically described in said act and being the northern half of the main street between the cities of Bristol, Va., and Bristol, Tenn., and the State of Virginia, by act of its general assembly, approved February 9, 1901, having accepted said cession of the State of Tennessee, the consent of Congress is hereby given to said contract or agreement between said States fixing the boundary line between said States as shown by said acts referred to, and the same is hereby ratified.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. RHEA of Virginia, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House was requested:

H. R. 14018. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

## CHINESE IMMIGRATION.

Mr. JENKINS. I am directed by the Committee on the Judiciary to ask the present consideration of the bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases.

The bill was read, as follows:

*Be it enacted, etc.,* That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of \$5 for hearing and deciding a case arising under the Chinese-exclusion laws.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

There being no objection, the House proceeded to the consideration of the bill.

Mr. RICHARDSON of Tennessee. I have not objected to the consideration of the bill, but, as I did not catch fully the effect of the bill as read, I would like the gentleman to make some statement with regard to it.

Mr. JENKINS. This bill was prepared by the Department of Justice upon the request of the United States attorney for the northern district of New York. It is designed to secure a better enforcement of the laws with reference to immigration of Chinese. It has been unanimously reported by the Committee on the Judiciary, and is a wise measure.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

## BRONZE MEDALS FOR THE PARTICIPANTS IN THE WAR WITH SPAIN.

Mr. MEYER of Louisiana. I ask unanimous consent for the present consideration of the joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to cause to be struck bronze medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba during the war with Spain, and to distribute the same to the officers and men of the Navy and Marine Corps who participated in any of said engagements deemed by him of sufficient importance to deserve commemoration: *Provided,* That officers and men of the Navy or Marine Corps who rendered specially meritorious service otherwise than in battle may be rewarded in like manner: *And provided further,* That any person who may, under the provisions of this act, be entitled to receive recognition in more than one instance shall, instead of a second medal, be presented with a bronze bar, appropriately inscribed, to be attached to the ribbon by which the medal is suspended. And to carry out the provisions of this resolution the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MEYER of Louisiana. Mr. Speaker, the joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain is so plain in its provisions that it

calls for very little explanation. It has come to us from the Senate, and is framed in accordance with the views of the Navy Department, which is thoroughly familiar with the whole subject. The object is not a vote of money, or increased pay, or of lands, or anything of mere money value to the officers and men of our Navy, for gallant and meritorious service; but it is a testimonial of honor in an enduring form, which tells its own story and may be handed down by the recipient to his children and his children's children as a precious possession.

The resolution proceeds upon the known principle that fidelity, patriotism, and an honorable fame are the greatest inspiration of heroism in your soldiers and sailors, and that to secure the highest results you must appeal to whatever is noblest and best in man's nature. This idea is not new. It is familiar in all the pages of history, ancient and modern. It comes down to us from the days of the old inscription, "Go, stranger, and tell Sparta that we died in obedience to her laws."

How many veterans, maimed and crippled, it may be, have in France held up their heads proudly, enduring poverty and the loss of every earthly possession, because the emblem of the Legion of Honor was pinned upon their breasts. Across the Channel you have the Victoria cross to fire brave men to more than common acts of bravery, daring, and suffering. Congress, all through our history, has voted swords and monuments to our heroes.

We do not by this resolution give these medals of honor to every one whose name was borne upon the rolls of the naval and marine service, but to those who participated in engagements of sufficient importance in the waters of the West Indies to deserve special commemoration. Naturally, perhaps I should say necessarily, the joint resolution devolves upon the Secretary of the Navy to select the actions which were of special importance. It is well suggested by the acting head of the Department that the Secretary of the Navy, in carrying out the law, can avail himself of the services of a board to examine the official reports, and determine what engagements were of real importance as bearing on the struggle. The joint resolution properly recognizes the fact that there may be services performed which were specially meritorious otherwise than in battle. Provision is also made for those who, in more than one instance, have rendered such service as deserves recognition. The resolution is carefully worded, and I believe that in its practical execution it will accomplish the object we all have at heart.

It would not be proper or possible for me to attempt to foreshadow in any way the action of the Navy Department or any board it may create in determining the events of greatest importance in the naval combats or the services of great importance and merit other than those rendered in battle. Some there were which comprised hard fighting and risk, others great personal risk and danger, as well as tact, skill, and judgment.

I may mention here some of the engagements, events, and services in Cuba and Porto Rico waters which contributed to the general and final success of the American arms. I may refer to Aguadores, July 1; Nipe, July 21; the landing of the troops at Baiquiri, June 22; Cabanas, May 12; Tunas, June 30; Palo Alto, July 2; Baracoa, July 15; Cardenas, May 11; Cienfuegos, May 11, June 13, and April 29; Casilda, June 29; cable cutting, May 11, 16, 18, 19, 20, July 10, 16; Caibarien, August 14; Cape San Juan, August 6 to 9; San Juan, May 12; the voyage of the *Oregon* around Cape Horn and to the scene of operations; capture of Ponce, July 27; Don Jorge Juan destroyed, July 21; Manzanillo, June 30, July 1, 18, August 12; Guanica, July 25; Mariel, July 5; Santiago, June 6-16, July 2, 3; Matanzas, April 27; Point Muno, June 29; San Juan, June 19.

I do not claim that the foregoing is a full and complete list of important events, and still less do I undertake to assign the relative order of their importance. All this will be performed by hands far more competent than mine. These events will be the study of our youth in future days, as were those of the naval heroes of the Revolution, the war with Tripoli, and the grand combats of the war of 1812 with Great Britain.

There are those who will feel, as many have done, that the heroes of the Army and Navy who perished of pestilence in the British prison ship *Jersey*, near Brooklyn, in the Revolutionary struggle, preferring death to taking the oath of allegiance to the Crown, merited even greater honor than their more fortunate comrades who were not captured, and that there was no higher act of heroism performed in the late war than that of the young officer who entered the Spanish lines in Cuba in order to reach the insurgent camp and establish communication with them—a service in which, if captured, he would have suffered a shameful death, according to the usual laws of war. These records we all may be proud of, for they ennoble human nature and inspire all our sailors and officers to everything that man can do, achieve, and endure.

The late war with Spain was specially a naval war. I mean no disparagement to the courage and fortitude of our army who fought near Santiago. It was supposed by many of us at the out-

set that it would be necessary to dispatch to Cuba an army sufficiently large to overcome the 200,000 soldiers whom Spain had sent there to put down the insurrection. There was grave consideration of the problem of besieging and reducing Habana, with its formidable defenses. But the question of the relative naval power of the United States and of Spain took precedence of land operations and dwarfed them to the second rank.

The questions that pressed upon the public mind after the Spanish fleet sailed for the Western Continent were their ability to elude the American squadrons, to destroy a detachment or a squadron of our forces, to relieve their own ports, to waylay the *Oregon* on her long voyage from the Pacific coast around Cape Horn, or to depredate upon our coasts and exposed shipping. There was deep anxiety on all hands for our shipping and our coast cities, not so well fortified then and guarded as they are now. There was a profound solicitude for the safety of the *Oregon* and a grateful feeling of joy when the commander, passing all risks, carried that magnificent war cruiser to join our naval forces at their point of concentration. In those hours we had high hopes, great confidence, indeed, in our naval officers and sailors, and, I may say, no little anxiety and tension until the end came at last. [Applause.]

The end did come when we had the welcome news of the destruction of the Spanish fleet which emerged from Santiago Harbor. That hour brought us a relief which was as profound as the anxiety that preceded the advent of Cervera's fleet in Spanish waters.

The service rendered in its effects upon the war was as important as any recorded in history. It had a greater relative effect upon the struggle than the victory of the British fleet at Trafalgar over the combined fleets of France and Spain. It resembles in its effects upon the military situation and the fortunes of the war the memorable naval battle of the Nile, when Nelson destroyed or captured the French fleet.

From that hour the campaign in Egypt was virtually at an end. The French forces there could not be reinforced in men or material of war, and the hour when they must capitulate to the power which held the command of the sea was reduced to a mere question of months. It happened in like fashion in 1898, on the shores of Cuba. When the fleet of Spain was destroyed, when her communication with her army in Cuba was broken up and she could no longer reinforce or supply it, the statesmen of Spain realized that it was useless to continue the combat.

The United States would henceforth be able to transport without obstacle or obstruction all the soldiers or guns which might be required to overcome the resistance of the Spanish army under Blanco. To continue the struggle for the island was a hopeless endeavor, however brave and spirited it might be. The Government of Spain acted wisely and for the best interests of their country in suing for peace. The naval victory of Santiago settled the contest. The war by Spain was for Cuba—to retain and dominate that island. The game was lost and Spain was compelled to yield. The language and terms of the protocol were practically shaped by the United States naval forces off the harbor at Santiago. They "conquered a peace."

The splendid performance of Dewey in his destruction of the Spanish fleet at Manila Bay, however brilliant as a feat of arms, and even important in results or discouraging to the enemy, was of secondary importance to the naval victory at Santiago which ended the war. I am glad that the services of those who fought at Manila have been recognized fully and generously.

But the gratitude of this country for those who fought in the waters of the West Indies remains to be expressed and typified in an enduring, permanent shape worthy of them, worthy of us, and worthy of the spirit which, from Revolutionary days until now, has rendered honor to those who have periled life in the country's service. This joint resolution will be a monument, if one is needed, to commemorate this victory. It is a monition to all who come afterwards that republics are not ungrateful to their heroes, and that in conquering the foreign foe they have captured the hearts of the American people for all time. [Applause.]

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### GOVERNMENT DEPOSITARIES IN ALASKA.

Mr. PAYNE. I ask unanimous consent for the present consideration of the bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 5153 of the Revised Statutes of the United States be amended to read as follows:

"Sec. 5153. All national banking associations, designated for that purpose



by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would like to hear some explanation of this bill. It seems to be very important legislation. What committee reported it?

Mr. PAYNE. It came from the Ways and Means Committee.

Mr. RICHARDSON of Tennessee. I do not remember that that committee had it under consideration.

Mr. PAYNE. Oh, yes; the gentleman was present when the bill was fully explained. I will briefly explain it now; and I think the gentleman will recognize the bill.

The present law, Mr. Speaker, provides that national-bank depositaries may receive deposits of collectors of internal revenue, but not of collectors of customs. The only change that is proposed is to make the law for deposits of the collectors of Alaska, Hawaii, and other islands to be deposited in these designated depositaries.

Mr. RICHARDSON of Tennessee. I did not exactly catch the reading of the bill.

Mr. PAYNE. I will explain it, for the benefit of gentlemen not present in the committee.

Mr. RICHARDSON of Tennessee. I understand it now.

Mr. PAYNE. The reason for this—

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS RED RIVER, TEXAS.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 14093.

The Clerk read as follows:

A bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13436.

The Clerk read as follows:

A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### JOHN M. DAVIS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 425) for the relief of John M. Davis.

The bill as amended was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and hereby is, authorized and directed to revoke the order dismissing John M. Davis, captain of Company H of the Sixty-third Regiment Illinois Volunteer Infantry, and to issue to him an honorable discharge as of date of April 9, 1865: *Provided,* That no pay, bounty, or other allowances shall be paid or become due or payable by reason of or on account of the passage of this act after April 9, 1865.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to. The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LLOYD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### THOMAS LUTZ STITT.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

The bill as amended was read, as follows:

A bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

*Be it enacted, etc.,* That the President be, and is hereby, authorized, by and with the advice and consent of the Senate, to appoint Thomas Lutz Stitt as a line officer in the Navy as ensign, subject to physical, moral, and professional examination, to take rank and position at the foot of the list, but he shall not receive pay or allowances for the time he has been out of the naval service.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like to hear the report read in this case.

Mr. OVERSTREET. Mr. Speaker, this is a Senate bill. It received the unanimous recommendation of the Senate Committee on Naval Affairs, and received the unanimous recommendation of the House committee.

Mr. UNDERWOOD. I would say to my friend from Indiana that the recommendation coming from the Senate may not have very much weight with this side of the House.

Mr. OVERSTREET. It is corroborated and strengthened by the unanimous report of the House Committee on Naval Affairs. It places this beneficiary at the foot of the list for appointment as an ensign.

Mr. STEELE. He is a graduate of the Naval Academy.

Mr. OVERSTREET. He is a graduate of the Naval Academy, and has been out since 1896. This merely restores him the privilege of taking the foot of the list. It is recommended by the Secretary of the Navy.

Mr. UNDERWOOD. What is the necessity of taking him out of civil life and putting him in the Navy? What claim has he to this distinction?

Mr. OVERSTREET. They are short of men, and he has graduated at the Naval Academy.

Mr. UNDERWOOD. You say he is a graduate of the Naval Academy?

Mr. OVERSTREET. That is my understanding.

Mr. UNDERWOOD. How did he come to leave the service?

Mr. OVERSTREET. He resigned.

Mr. UNDERWOOD. There are no charges against him?

Mr. OVERSTREET. No, sir.

Mr. UNDERWOOD. He is a man of good character and standing?

Mr. OVERSTREET. Yes, sir.

Mr. UNDERWOOD. And they need him in the Navy?

Mr. OVERSTREET. Undoubtedly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ISAAC M'CONNAUGHAY.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 432) for the relief of Isaac McConaughay, Company H, Fortieth Iowa Infantry Volunteers.

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to issue to Isaac McConaughay a certificate of honorable discharge, to date from the 16th day of November, 1862, as a private of Company H, Fortieth Iowa Infantry Volunteers, it having been established that the service rendered in that company and regiment in the name of Isaac McConaughay subsequent to that date was rendered by Thomas J. McConaughay; and the said Isaac McConaughay shall hereafter be held and considered to have been in the military service of the United States as a member of said organization from the 14th day of August, 1862, until honorably discharged from the service as herein provided; but it is further provided that he shall not be entitled to any pay, bounty, or allowances by reason of the relief herein granted.

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have a statement from the author of the bill as to the necessity for passing this.

Mr. DE ARMOND. Mr. Speaker, this is a case where a man named Isaac McConaughay enlisted in the Fortieth Iowa Infantry Volunteers and served a time and then, by mutual consent and by a way that was irregular and loose, his brother Thomas

took his place and served to the end of the war, answering to the name of Isaac. Later he was honorably discharged, and later, by action of Congress, the record was so changed as to show that Thomas McConnaughay, and not Isaac, rendered the service after Thomas took Isaac's place. This leaves Isaac in a place where his record is not straight.

Mr. SLAYDEN. The substitution was consented to by the officers?

Mr. DE ARMOND. Yes; and he was carried in that way under Isaac's name all the time. This is to correct the record in accordance with the facts.

Mr. SLAYDEN. I would like to ask the gentleman one further question. Does this provide the possibility for two men drawing pensions when only one did service?

Mr. DE ARMOND. They both did service.

Mr. SLAYDEN. Alternately.

Mr. DE ARMOND. One served four months and the other twenty-eight months, making about three years' service by the two. This bill passed the Senate unanimously and received the unanimous report of the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE MISSOURI RIVER.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GAMBLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### IONIC COLUMNS DELIVERED TO THE MAYOR OF BALTIMORE.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13776.

The bill was read, as follows:

A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the mayor and city council of Baltimore, in the State of Maryland, the twelve columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

#### RAILROAD THROUGH FORT ONTARIO MILITARY RESERVATION.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

Mr. DENNY. Mr. Speaker, I move to suspend the rules and pass that bill.

The SPEAKER. The Chair has recognized the gentleman from New York.

The Clerk read as follows:

The bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

Mr. STEPHENS of Texas. I ask unanimous consent to call up the House bill—

Mr. BAILEY of Texas. I object.

#### PREVENTING THE SALE OF FIREARMS, ETC.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 12551.

Mr. BAILEY of Texas. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is unanimous consent until 11 o'clock—unanimous consent or to suspend the rules, under the order made last night by the House. Objection is made to unanimous consent.

Mr. SPERRY. I move to suspend the rules and pass the bill.

The SPEAKER. Are there any amendments to the bill?

Mr. SPERRY. There are two slight amendments.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill with two amendments. The Clerk will report the bill.

#### The Clerk read as follows:

A bill (H. R. 12551) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific.

*Be it enacted, etc.,* That any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding \$50, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

Sec. 2. That if it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

Sec. 3. That all offenses against this act committed on any of said islands, or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

Sec. 4. That this act shall take effect three months after its passage.

Mr. BAILEY of Texas. I demand a second, Mr. Speaker.

Mr. SPERRY. I ask that the second be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. The Chair appoints the gentleman from Connecticut [Mr. SPERRY] and the gentleman from Texas [Mr. BAILEY] as tellers.

The House divided; and the tellers reported—ayes 53, and noes 9.

Mr. BAILEY of Texas. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] Ninety-one members present; not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in absent members, the roll will be called, and those favoring the motion will, as their names are called, vote "aye," and those opposed vote "no;" those not desiring to vote will answer "present."

Mr. UNDERWOOD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise.

Mr. UNDERWOOD. It is evident, Mr. Speaker, that there is no quorum and will not be until 11 o'clock. At 11 o'clock the House meets, and I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken; and the motion was lost.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 93, nays 8, answered "present" 82, not voting 170; as follows:

#### YEAS—93.

Adams,  
Alexander,  
Allen, Me.  
Atwater,  
Baker,  
Barham,  
Bellamy,  
Brantley,  
Bromwell,  
Brosius,  
Brownlow,  
Burke, Tex.  
Burkett,  
Burleigh,  
Butler,  
Connell,  
Cooper, Wis.  
Corliss,  
Cousins,  
Cromer,  
Crumpacker,  
Curtis,  
Cushman,  
Dahle,

Dalzell,  
Davenport, S. A.  
Davenport, S. W.  
De Armond,  
Denny,  
Dick,  
Esch,  
Finley,  
Freer,  
Gardner, N. J.  
Gibson,  
Graft,  
Greene, Mass.  
Grosvenor,  
Hawley,  
Henry, Conn.  
Hepburn,  
Hill,  
Hitt,  
Hoffecker,  
Hopkins,  
Howell,  
Hull,  
Jack,

Jenkins,  
Jones, Va.  
Jones, Wash.  
Ketcham,  
Lacey,  
Littauer,  
Littlefield,  
Lloyd,  
Lovering,  
Lybrand,  
Mahon,  
Mercer,  
Minor,  
Moody, Mass.  
Morris,  
Osten,  
Overstreet,  
Payne,  
Pearre,  
Phillips,  
Polk,  
Ray, N. Y.  
Rhea, Va.  
Rixey,

Salmon,  
Shafroth,  
Shelden,  
Sheppard,  
Southard,  
Sperry,  
Sprague,  
Steele,  
Stevens, Minn.  
Stewart, N. J.  
Sulloway,  
Tawney,  
Terry,  
Thomas, Iowa  
Van Voorhis,  
Vreeland,  
Wachter,  
Warner,  
Weaver,  
Williams, Miss.  
Wright.

#### NAYS—8.

Berry,  
Gordon,

Green, Pa.  
Kleberg,

Lester,  
McAleer,

Maddox,  
Robinson, Ind.

#### ANSWERED "PRESENT"—82.

Adamson,  
Allen, Ky.  
Bailey, Tex.  
Ball,  
Bell,  
Benton,  
Boutell, Ill.  
Brick,  
Burke, S. Dak.  
Burleson,  
Capron,  
Clayton, Ala.  
Cooper, Tex.  
Cowherd,  
Crowley,  
Davis,  
Dougherty,  
Elliott,  
Emerson,  
Fitzgerald, N. Y.  
Gamble,

Gaston,  
Gilbert,  
Glynn,  
Hay,  
Heatwole,  
Henry, Tex.  
Jett,  
Kahn,  
King,  
Kitchin,  
Lamb,  
Landis,  
Lanham,  
Latimer,  
Little,  
Livingston,  
Long,  
Loud,  
Loudenslager,  
McCulloch,  
McDermott,

McLain,  
McRae,  
Mann,  
May,  
Meyer, La.  
Miers, Ind.  
Mondell,  
Moody, Oreg.  
Mudd,  
Newlands,  
Parker, N. J.  
Pierce, Tenn.  
Quarles,  
Reeves,  
Rhea, Ky.  
Richardson, Tenn.  
Robinson, Nebr.  
Sherman,  
Sims,  
Smith, Ill.  
Smith, Ky.

Smith, H. C.  
Snodgrass,  
Spalding,  
Sparkman,  
Spight,  
Stark,  
Stephens, Tex.  
Sulzer,  
Swanson,  
Talbert,  
Tate,  
Taylor, Ala.  
Thomas, N. C.  
Underwood,  
Wanger,  
Weeks,  
Weymouth,  
Wheeler,  
Williams, J. R.



## NOT VOTING—170.

Acheson,	Davidson,	Lassiter,	Rosenberg,
Aldrich,	Dayton,	Lawrence,	Rucker,
Allen, Miss.	De Graffenreid,	Lentz,	Ruppert,
Babcock,	Dinsmore,	Levy,	Russell,
Bailey, Kans.	Dovener,	Lewis,	Ryan, N. Y.
Bankhead,	Driggs,	Linney,	Ryan, Pa.
Barber,	Driscoll,	Lorimer,	Scudder,
Barney,	Eddy,	McCall,	Shackelford,
Bartholdt,	Faris,	McCleary,	Shattuc,
Bartlett,	Fitzgerald, Mass.	McClellan,	Showalter,
Bingham,	Fitzpatrick,	McDowell,	Sibley,
Bishop,	Fleming,	Marsh,	Slayden,
Boreing,	Fletcher,	Meekison,	Small,
Boutelle, Me.	Fordney,	Meekison,	Smith, Iowa
Bowersock,	Foss,	Metcalf,	Smith, Samuel W.
Bradley,	Foster,	Miller,	Smith, Wm. Alden
Breazeale,	Fowler,	Moon,	Stallings,
Brenner,	Fox,	Morgan,	Stewart, N. Y.
Brewer,	Gaines,	Morrell,	Stewart, Wis.
Broussard,	Gardner, Mich.	Muller,	Stokes,
Brown,	Gayle,	Naphen,	Sutherland,
Brundidge,	Gill,	Needham,	Taylor, Ohio
Bull,	Gillet, N. Y.	Neville,	Thayer,
Burnett,	Gillet, Mass.	Noonan,	Thropp,
Burton,	Graham,	Norton, Ohio	Tompkins,
Calderhead,	Griffith,	Norton, S. C.	Tongue,
Caldwell,	Griggs,	O'Grady,	Turner,
Campbell,	Grout,	Olmsted,	Underhill,
Cannon,	Grow,	Otey,	Vandiver,
Carmack,	Hall,	Packer, Pa.	Wadsworth,
Catchings,	Hamilton,	Pearce, Mo.	Waters,
Chanler,	Haugen,	Pearson,	Watson,
Clark,	Hedge,	Powers,	White,
Clayton, N. Y.	Hemenway,	Prince,	Williams, W. E.
Cochran, Mo.	Henry, Miss.	Pugh,	Wilson, Idaho
Cochrane, N. Y.	Howard,	Ransdell,	Wilson, N. Y.
Conner,	Johnston,	Reeder,	Wilson, S. C.
Cooney,	Joy,	Richardson, Ala.	Woods,
Cox,	Kerr, Md.	Ridgely,	Young,
Crump,	Kerr, Ohio	Riordan,	Zenor,
Cummings,	Kluttz,	Robb,	Ziegler,
Cusack,	Knox,	Roberts,	
Davey,	Lane,	Robertson, La.	

So a second was ordered.

The SPEAKER. The roll call develops the presence of a quorum. The doors will be reopened. A second is ordered; and the Chair recognizes the gentleman from Connecticut, Mr. SPERRY, in the affirmative, and the gentleman from Texas, Mr. BAILEY, in the negative, on the bill called up by the gentleman from Connecticut.

Mr. SPERRY. Mr. Speaker, I wish to reserve my own time. All I desire to say now in connection with this bill is this: It has the unanimous report of the committee, as far as I know. Not only that, but the President in his last annual message referred to this subject of the islands of the Pacific which are not under the control of any government and asked that some action be taken. This bill, therefore, only refers to those islands not under the control of any government or any power. They are simply tribal; they are mostly cannibals. The islands are contained within the boundaries set forth in the report and bill.

I wish to say also that the State Department has examined this bill, gone through it carefully, and has suggested one or two amendments which have been added. I suppose that members have been deluged with petitions from every State in the Union in behalf of this bill. The bill I have presented is known as the Gillett bill. I know of no opposition to it, and I trust that in humanity's name it may receive the unanimous vote of this House. I reserve the balance of my time.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Connecticut a question.

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Indiana?

Mr. SPERRY. I will.

Mr. ROBINSON of Indiana. I see the designation of the territory over which this is to control is in geographical language which is not apparent without an examination of the map. About what points does this control?

Mr. SPERRY. It was intended, to begin with, to control entirely the New Hebrides, but there are some little small islands about the Hebrides which if the Hebrides only were named would not be included. There are about 60,000 of these aboriginal tribes which inhabit these islands, and this bill simply proposes to stop the sale mentioned by Americans to the aborigines in these islands.

Mr. ROBINSON of Indiana. Does it in any way attempt to control the sale to the inhabitants of the Philippine Islands?

Mr. SPERRY. It has nothing to do with the Philippine Islands.

Mr. ROBINSON of Indiana. Or the Samoan Islands?

Mr. SPERRY. No.

Mr. McDERMOTT. Will the gentleman from Connecticut yield to me?

Mr. SPERRY. Yes; with pleasure.

Mr. McDERMOTT. Why should you protect the savages of the Hebrides from being killed with bad rum and not protect the savages of the Philippines from being killed with the same liquid? Why are they omitted?

Mr. SPERRY. As I understand it, this bill simply applies to the islands about the Hebrides who are not under any government or any country. It does not refer to the Philippines or any of these islands except those who have a tribal government, so to speak, and within the boundaries named in the bill.

Mr. McDERMOTT. I understand that of the 14,000,000 people in the Philippine Islands, not more than 5,000 are of pure Castilian blood; the balance are half-breeds, Chinese, Malays, etc. Why do you not protect them from being killed by bad rum as well as the inhabitants of the New Hebrides?

Mr. SPERRY. I will say that we do not seek to enforce the provisions of this bill upon the Philippines.

Mr. McDERMOTT. Why not?

Mr. SPERRY. Because that is a matter now under consideration in relation to the Philippines itself, and we do not propose to trespass upon that which is the province of others. This is simply confined to these islands in the Pacific which have no recognized form of government and are not in the possession of any government or under the protection of any government.

Mr. BAILEY of Texas. Mr. Speaker, when I demanded a second on this measure I knew nothing about it, and, to be frank, I cared nothing about it. But upon an examination of it, it seems to me the most palpable attempt to first invent a fiction and then predicate legislation upon it that I have ever known. The original proponent of the bill simply undertook to assert the power of the United States over territory not subject to the jurisdiction of the United States.

The committee evidently concluded that, broad as the power of the United States is now supposed to be, it does not extend to soil not subject to our jurisdiction, and have undertaken to cure that by an amendment, and that amendment is what? That these offenses, for which a punishment is provided in the bill, when committed in these islands not subject to our jurisdiction, shall be deemed to have been committed upon the seas on one of our ships. Now, as a matter of fact, these offenses might be committed a thousand miles from any place where the United States may exercise a rightful jurisdiction. These offenses might be committed a thousand miles from our ships of war or merchantmen. And in order that the jurisdiction of the United States may attach by fiction, this bill provides that these offenses shall be deemed to have been committed upon the high seas on one of our ships.

Mr. Speaker, it is discreditable to the Congress of the United States, it is discreditable to the Government of the United States, that, not content to exercise jurisdiction within its limits, that now embrace almost every sea in the world, it invents a fiction and extends jurisdiction where it can not be exercised except by a fiction. The gentlemen who are behind this bill subject themselves to the suspicion of insincerity so far as its intemperance feature is concerned, because, if they seek to stop the use of intoxicating liquors, why not include the Philippine Islands in their bill? I have been reliably informed that more than a thousand saloons have sprung up in the island of Luzon since the American flag was raised over it. I am told that in Hawaii, where saloons were unknown until we benevolently assimilated it, to-day there are over 400 in existence. You declare that the Philippine people are not entitled to their own form of government because they are incapable of maintaining it. If they are not capable of enjoying their freedom, why not protect them under our jurisdiction from the baleful effects of intoxicating liquors instead of extending our charity to people to whom we owe no obligation?

The gentleman from Connecticut, in charge of the bill, has not yet been gracious enough to tell the House exactly what islands are to be affected by the bill. Lest I should do him injustice, I pause to allow him, in my time, to enumerate the islands which are included.

Mr. SPERRY. The islands included within the boundaries designated by the bill I can not name. There are many of those little islands—hundreds of them; but where they are inhabited they are governed by tribes, not by any civilized country. They are not under the protection of any civilized country. In this bill we propose simply to say, so far as we are concerned, that within those boundaries people of the United States, subject to the United States jurisdiction, shall not sell rum or opium, whisky or firearms.

If the bill does not go as far as the gentleman would like to have it go, or as he thinks it should have gone, I will only say that it goes as far as the State Department has seemed willing to admit would be proper. The State Department is decidedly in favor of the bill as now drawn.

I would like to yield a few minutes of my time—five minutes—

Mr. BAILEY of Texas. I am not through yet. I was just asking the gentleman from Connecticut to define the limits within which this bill, if passed, would operate.

Mr. SPERRY. I can only give the limits as they are indicated by the parallels and boundaries in the bill.

Mr. BAILEY of Texas. The boundaries given in the bill do not indicate the points to which the proposed law would extend.

Mr. Speaker, the gentleman is mistaken when he says that I think the bill does not go far enough. I am very frank to say that I am not a philanthropist. I am not trying to take care of all people within the boundaries of the world. I simply instanced the fact that the bill is not made to apply to the Philippine Islands and to Hawaii to sustain my suggestion that the gentlemen urging this measure are not entirely sincere.

Now, Mr. Speaker, one other thing. I demand of the proponents of this bill to tell me in what court an offender of this bill, if it should become a law, would be tried. The bill provides punishment by imprisonment not exceeding three months at hard labor or by a fine not exceeding \$50, or both. Where is the forum in which you would try those who may violate this law? If a man sells liquor in those islands, will you bring him back to the city of Washington and try him? If so, in what court? Will you take him to the State of Connecticut?

If you arraign him there, he will invoke that clause of the Constitution which provides that a man shall not be tried except in the district of the United States where the offense was committed, which district must have been previously ascertained by law. If a citizen of the United States residing in Connecticut should complete the sale there, it might be easy under your bill—however unjust it would be—to punish him. But if he goes to one of these islands and sells arms or ammunition or intoxicating liquors, I undertake to say that no court in America has the power to punish him. It was for that reason that the committee inserted this fiction—that the offense should be deemed to have been committed upon the high seas upon a ship-of-war or merchantman of the United States.

Under such a provision as that they may try a man for this offense without a jury. A man may be tried, convicted, and executed without a jury under this nebulous and vague and dangerous power of preserving the authority of the United States upon the high seas of the world. It was because there was no forum within the United States, and because none could be constituted within the United States, to try these offenses that these gentlemen invented a fiction, pure and simple, in order to confer one of the most dangerous and despotic powers ever yet exercised by a free government in the history of the world.

I deem myself fortunate in having my attention called to this dangerous piece of proposed legislation, which if enacted will become a precedent and can practically destroy the right of trial by jury in every place subject to the jurisdiction of the United States. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. SPERRY. I yield five minutes to the gentleman from Massachusetts [Mr. GILLET].

Mr. GILLET of Massachusetts. Mr. Speaker, I wish to say a word as to the legal point just raised by the gentleman from Texas [Mr. BAILEY]. I did not draw the original bill. I put my name to the copy that was offered to me and introduced it because I saw that I was in hearty sympathy with its purpose; but when I had considered the question, I drew the amendment to which the gentleman from Texas has just referred; and the reason was—

Mr. BAILEY of Texas. The gentleman is too good a lawyer to have believed that the original bill was valid.

Mr. GILLET of Massachusetts. I confess that when I looked at it critically I did not think it was valid.

The gentleman suggests that this is a new and dangerous precedent. Mr. Speaker, this is not a new precedent. The section to which the gentleman objects is copied almost exactly from that portion of the Revised Statutes which provides for jurisdiction over the Guano Islands, in which case precisely this fiction was adopted. In that provision of the Revised Statutes it is enacted that any act committed on those islands should be considered, just as in this bill, as having been committed on board an American ship. And the purpose, of course, was clear—that thereby jurisdiction is obtained for American courts, and with all the safeguards of the Constitution.

The gentleman asks in what court these offenses shall be tried. Why, of course, as the law provides for ships, they shall be tried in the port at which the vessel first comes in.

Now, the provision in regard to the Guano Islands is not only a provision standing in the Revised Statutes, but it has been passed upon by our Supreme Court, and has been held to be valid. Therefore, as a matter of law, the provision of this bill not only is not a new precedent, but it follows a decision of the Supreme Court, and I think that is authority enough.

Now, as to the reason why this bill should not apply to the other Pacific islands, to the Philippines, and to Hawaii. Why, sir, it comes with bad grace from the other side of the House to make that objection. I thought gentlemen on that side were contending that we are already giving too little self-government to Hawaii and the Philippine Islands; that we are absorbing too

much power. If we should attempt to impose this legislation upon them, it would leave them still less self-government. It would be doing exactly what that side has been strenuously opposing. At any rate, that proposition is not before the committee.

Another committee would naturally and properly have that matter in charge; and, as I understand, it has been under consideration by that committee. I think myself there is need of legislation for the Philippines, and I hope the committee will report a bill. But because it is not in this bill is a paltry, and, it seems to me, a disingenuous argument for offering this bill. This bill does not contain, and does not pretend to contain, all the legislation which I think advisable for all the universe or for all islands, but it aims to accomplish one good purpose, and can hardly be opposed fairly because it does not accomplish more.

Here is one special condition needing legislation. English missionaries have been most successful in civilizing in those islands. England has prohibited the sale of liquor and firearms by British subjects. But American traders are going where the English are forbidden, are supplying the natives with liquor, and are steadily neutralizing and undermining the good work of the English missionaries. I think thus to permit our citizens to undo the unselfish and beneficent work of another country is a reproach and disgrace to America. It is to prevent that, and for that object alone, that this bill is proposed. In law it stands firmly upon the decision of the Supreme Court, and in policy I think it should stand as firmly upon the conscience of Americans.

The SPEAKER. The motion is to suspend the rules and pass the bill with the amendments.

Mr. GAINES. I did not hear the amendments read. I have read the bill. Can those amendments be read again?

The SPEAKER. They can by unanimous consent. The gentleman from Tennessee asks to have the amendments read. Without objection, the Clerk will report them.

Mr. SHERMAN. I object.

The question being taken on the motion to suspend the rules and pass the bill, there were—ayes 79.

Mr. SPERRY (before the negative vote was announced). I call for the yeas and nays.

The SPEAKER (after counting). Thirty-four gentleman have arisen. It requires 36 to order the yeas and nays.

Mr. SPERRY. I ask for the other side.

The SPEAKER (after counting). Eighty-six gentlemen have arisen, and the yeas and nays are ordered.

The question was taken; and there were—yeas 117, nays 80, answered "present" 21, not voting 135; as follows:

## YEAS—117.

Acheson,	Fordney,	Lacey,	Ray, N. Y.
Alexander,	Foss,	Lamb,	Rodenberg,
Allen, Me.	Freer,	Lane,	Showalter,
Baker,	Gardner, Mich.	Lawrence,	Smith, Iowa,
Barber,	Gardner, N. J.	Littauer,	Smith, Samuel W.
Barham,	Gaston,	Littlefield,	Southard,
Barney,	Gibson,	Lloyd,	Spalding,
Bishop,	Gillet, N. Y.	Long,	Sperry,
Brick,	Gillett, Mass.	Loudenslager,	Spight,
Brosius,	Graff,	Lovering,	Sprague,
Brownlow,	Greene, Mass.	Lybrand,	Steele,
Burke, S. Dak.	Grosvenor,	Mahon,	Stevens, Minn.
Burleigh,	Grout,	Mann,	Stewart, N. J.
Butler,	Grow,	Mercer,	Sulloway,
Capron,	Hamilton,	Metcalf,	Tawney,
Connell,	Haugen,	Minor,	Taylor, Ohio
Cooper, Wis.	Hawley,	Moody, Mass.	Terry,
Cosins,	Heatwole,	Moody, Oreg.	Thomas, Iowa
Cromer,	Hedge,	Morgan,	Tompkins,
Crumacker,	Hepburn,	Morris,	Van Voorhis,
Cushman,	Hill,	Mudd,	Vreeland,
Dahle,	Hitt,	Muller,	Wanger,
Dalzell,	Hoffecker,	Needham,	Warner,
Davenport, S. A.	Hopkins,	O'Grady,	Waters,
Davenport, S. W.	Howell,	Otjen,	Williams, Miss.
Denny,	Jack,	Overstreet,	Wright,
Dick,	Jones, Va.	Payne,	Ziegler.
Emerson,	Jones, Wash.	Phillips,	
Esch,	Kerr, Md.	Polk,	
Finley,	Ketcham,	Pugh,	

## NAYS—80.

Adamson,	Dinsmore,	Lentz,	Shackleford,
Allen, Ky.	Dougherty,	Lester,	Shoppard,
Atwater,	Fitzgerald, N. Y.	Levy,	Sims,
Bailey, Tex.	Fleming,	Little,	Smith, Ky.
Ball,	Gaines,	Livingston,	Snodgrass,
Bartholdt,	Gayle,	McAleer,	Stallings,
Bellamy,	Gordon,	McDowell,	Stark,
Benton,	Green, Pa.	Maddox,	Stephens, Tex.
Berry,	Griffith,	May,	Sulzer,
Brantley,	Hay,	Moon,	Talbert,
Brundidge,	Henry, Miss.	Pierce, Tenn.	Tate,
Burke, Tex.	Henry, Tex.	Quarles,	Thayer,
Burleson,	Jett,	Ransdell,	Thomas, N. C.
Burnett,	Johnston,	Rhea, Ky.	Underwood,
Caldwell,	King,	Rhea, Va.	Vandiver,
Clayton, Ala.	Kitchin,	Richardson, Tenn.	Wachter,
Cooper, Tex.	Kleberg,	Rixey,	Wheeler,
Crowley,	Kluttz,	Robinson, Ind.	Williams, J. R.
Cusack,	Lanham,	Robinson, Nebr.	Williams, W. E.
De Armond,	Latimer,	Ryan, Pa.	Zenor.



## ANSWERED "PRESENT"—21.

Adams,	Fletcher,	McClellan,	Smith, H. C.
Boutell, Ill.	Griggs,	Meyer, La.	Smith, Wm. Alden
Bromwell,	Hall,	Miers, Ind.	Taylor, Ala.
Calderhead,	Henry, Conn.	Mondell,	
Cowherd,	Kahn,	Shattuc,	
Elliott	Landis,	Sherman,	

## NOT VOTING—135.

Aldrich,	Cummings,	McCall,	Rucker,
Allen, Miss.	Curtis,	McCleary,	Ruppert,
Babeock,	Davey,	McCulloch,	Russell,
Bailey, Kans.	Davidson,	McDermott,	Ryan, N. Y.
Bankhead,	Davis,	McLain,	Salmon,
Bartlett,	Dayton,	McRae,	Scudder,
Bell,	De Graffenreid,	Marsh,	Shafroth,
Bingham,	Dovener,	Meekison,	Shelden,
Boreing,	Driggs,	Mesick,	Sibley,
Boutelle, Me.	Driscoll,	Miller,	Slayden,
Bowersock,	Eddy,	Morrell,	Small,
Bradley,	Faris,	Naphen,	Smith, Ill.
Breazeale,	Fitzgerald, Mass.	Neville,	Sparkman,
Brenner,	Fitzpatrick,	Newlands,	Stewart, N. Y.
Brewer,	Foster,	Noonan,	Stewart, Wis.
Broussard,	Fowler,	Norton, Ohio	Stokes,
Brown,	Fox,	Norton, S. C.	Sutherland,
Bull,	Gamble,	Olmsted,	Swanson,
Burkett,	Gilbert,	Otey,	Thropp,
Burton,	Gill,	Packer, Pa.	Tongue,
Campbell,	Glynn,	Parker, N. J.	Turner,
Cannon,	Graham,	Pearce, Mo.	Underhill,
Carnack,	Hemenway,	Pearson,	Wadsworth,
Catchings,	Howard,	Pearre,	Watson,
Chanler,	Hull,	Powers,	Weaver,
Clark,	Jenkins,	Prince,	Weeks,
Clayton, N. Y.	Joy,	Reeder,	Weymouth,
Cochran, Mo.	Kerr, Ohio	Reeves,	White,
Cochrane, N. Y.	Knox,	Richardson, Ala.	Wilson, Idaho
Conner,	Lassiter,	Ridgely,	Wilson, N. Y.
Cooney,	Lewis,	Riordan,	Wilson, S. C.
Corliss,	Linney,	Robb,	Woods,
Cox,	Lorimer,	Roberts,	Young,
Crump,	Loud,	Robertson, La.	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The following pairs were announced:

For this day:

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. PUGH with Mr. TURNER.

Mr. SIBLEY with Mr. HALL.

Mr. CALDERHEAD with Mr. SHAFROTH.

Mr. PEARCE of Missouri with Mr. LEWIS.

Mr. UYER with Mr. WHEELER.

Mr. COCHRANE of New York with Mr. BRENNER.

Mr. SHERMAN with Mr. DRIGGS.

Mr. McCLEARY with Mr. COWHERD.

For this vote:

Mr. PEARRE with Mr. DAVIS.

Mr. BROMWELL with Mr. SHATTUC.

Mr. MORRELL with Mr. BANKHEAD.

Mr. JOY with Mr. NAPHEN.

Mr. BURLEIGH with Mr. McLAIN.

Mr. BULL with Mr. SUTHERLAND.

Mr. SHELDON with Mr. McLAIN.

Until further notice:

Mr. CANNON with Mr. McRAE.

Mr. RUSSELL with Mr. McCLELLAN.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. McCALL with Mr. FITZGERALD of Massachusetts.

Mr. HULL. Mr. Speaker, I am paired with the gentleman from Pennsylvania [Mr. SIBLEY], and if he has not voted I desire to be recorded as "present."

Mr. McCLELLAN. Mr. Speaker, I am paired with the gentleman from Connecticut [Mr. RUSSELL], and wish therefore to withdraw my vote and be recorded as "present."

Mr. KING. Mr. Speaker, I answered "present" on this call. I would ask if the gentleman from Michigan [Mr. HAMILTON], with whom I have had a pair, has voted?

The SPEAKER. The gentleman from Michigan is recorded.

Mr. KING. Then I desire to be recorded in the negative.

Mr. KING's vote was accordingly recorded as above.

## LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 13947, with certain committee amendments.

The bill was read as follows:

A bill (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes.

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

United States post-office and court-house at Aberdeen, S. Dak., from \$87,000 to \$100,000.

United States post-office and court-house at Abilene, Tex., from \$75,000 to \$100,000.

United States post-office and court-house at Boise, Idaho, from \$200,000 to \$250,000.

United States post-office and custom-house at Brunswick, Ga., from \$50,000 to \$100,000.

United States post-office and court-house at Cheyenne, Wyo., from \$250,000 to \$300,000.

United States post-office and court-house at Cumberland, Md., from \$75,000 to \$100,000.

United States post-office and court-house at Butte, Mont., from \$200,000 to \$225,000.

United States post-office and court-house at Eau Claire, Wis., from \$50,000 to \$100,000; and the limit of cost of site is hereby fixed at \$10,000.

United States post-office and court-house at Elmira, N. Y., from \$185,000 to \$232,000; and the Secretary of the Treasury is hereby authorized, in his discretion, to expend not to exceed \$7,000 for the acquisition of additional land for the enlargement of the site heretofore acquired.

United States post-office and court-house at Creston, Iowa, from \$50,000 to \$100,000.

United States post-office and court-house at Elizabeth City, N. C., from \$50,000 to \$100,000.

United States post-office and court-house at Fergus Falls, Minn., from \$75,000 to \$100,000.

United States post-office at Fitchburg, Mass., from \$100,000 to \$125,000.

United States post-office at Freeport, Ill., from \$75,000 to \$85,000.

United States post-office and court-house at Helena, Mont., from \$300,000 to \$325,000.

United States post-office and court-house at Jamestown, N. Y., from \$75,000 to \$115,000.

United States post-office at Janesville, Wis., from \$50,000 to \$75,000.

United States post-office at Joliet, Ill., from \$100,000 to \$130,000.

United States post-office at Joplin, Mo., from \$50,000 to \$65,000.

United States post-office at Hot Springs, Ark., from \$78,000 to \$85,000.

United States post-office at Lawrence, Mass., from \$100,000 to \$135,000; and the limit of cost of site is hereby fixed at \$40,000.

United States post-office at Leadville, Colo., from \$50,000 to \$75,000.

United States post-office and court-house at Lockport, N. Y., from \$50,000 to \$105,000.

United States post-office and custom-house at Newport, Vt., from \$50,000 to \$85,000.

United States post-office and custom-house at Newport News, Va., from \$100,000 to \$150,000.

United States post-office at Norwich, Conn., from \$100,000 to \$110,000; and the limit of cost of site is hereby fixed at \$35,000.

United States post-office at Rome, N. Y., from \$50,000 to \$70,000.

United States post-office at St. Cloud, Minn., from \$50,000 to \$68,000.

United States post-office, court-house, and custom-house at St. Paul, Minn., from \$1,050,000 to \$1,100,000.

United States post-office, custom-house, and court-house at Salt Lake City, Utah, from \$300,000 to \$400,000.

United States post-office, court-house, and custom-house at Seattle, Wash., from \$300,000 to \$650,000; and the limit of cost of site is hereby fixed at \$150,000.

United States post-office, court-house, and custom-house at Tampa Fla., from \$250,000 to \$300,000.

United States post-office at Wilkesbarre, Pa., from \$125,000 to \$135,000; and the limit of cost of site is hereby fixed at \$40,000.

United States post-office at Winston, N. C., from \$50,000 to \$60,000.

United States post-office at Oskaloosa, Iowa, from \$50,000 to \$66,000.

United States post-office at Bristol, Tenn., from \$50,000 to \$55,000.

The amendments recommended by the committee were read, as follows:

On page 2, line 12, strike out all after the word "hundred" and insert "and twenty-five thousand dollars;" so as to read "\$325,000."

On page 2, line 20, strike out all after the word "hundred" up to and including the word "dollars," in line 21, and insert "and ten thousand dollars;" so as to read "\$110,000."

On page 3, line 20, strike out all after the word "and" and insert "fifty thousand dollars;" so as to read "\$350,000."

On page 4, line 5, strike out all after the word "to" and insert "\$100,000."

Page 4, line 6, after the word "post-office" add "and custom-house," so as to read "United States post-office and custom-house at Joplin, Mo."

Page 4, line 7, strike out all after the word "to" and insert "\$100,000."

Page 4, line 18, strike out all after the word "to" up to and including the word "dollars" in line 19, and insert "\$100,000."

Page 4, line 21, strike out all after the word "to" up to and including the word "dollars" in line 22, and insert "\$200,000."

Page 5, line 9, strike out all after the word "hundred" and insert the words "and fifty thousand dollars;" so as to read "\$1,150,000."

Page 5, line 12, strike out the word "four" and insert the word "five;" so as to read "\$500,000."

Page 5, line 15, strike out all after the word "to" up to and including the word "dollars" in line 16, and insert "\$750,000; and the limit of cost of site is hereby fixed at \$200,000."

Page 5, line 19, strike out all after the word "hundred" and insert "\$25,000;" so as to read "\$325,000."

Page 5, line 22, strike out the word "thirty-five" and insert the word "fifty;" so as to read "\$150,000."

Page 6, after line 4, add the following: "United States post-office at Carrollton, Ky., from twenty-five thousand to thirty thousand dollars;" also "United States post-office and court-house at Columbus, Ga., from \$156,000 to \$159,000;" also "United States court-house, post-office, and custom-house at Dubuque, Iowa, increasing limit of cost and improving and enlarging building, as authorized by act of March 2, 1899, from \$22,000 to \$110,000."

The SPEAKER. Is a second demanded?

Mr. BAILEY of Texas. I demand a second.

Mr. MERCER. I ask unanimous consent that a second be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. Objection is made by the gentleman from Texas. The Chair appoints the gentleman from Nebraska, Mr. MERCER, and the gentleman from Texas, Mr. BAILEY, to act as tellers.

The House divided; and tellers reported—ayes 122, noes 5.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Nebraska and the gentleman from Texas for twenty minutes each.

Mr. MERCER. Mr. Speaker, this bill affects forty different cities of the United States. It provides for increases recommended by the

Treasury Department and occasioned principally by the rise in the price of building material since the buildings were first authorized. In some instances United States courts have been established, which necessitates an additional story to buildings originally intended for post-office purposes only.

The only two marked increases in this bill are Salt Lake City, Utah, and Seattle, in the State of Washington. In the city of Salt Lake the citizens presented the Government with a very valuable site, and this bill increases the limit of cost of building from \$300,000 to \$500,000, a very moderate sum for so important a city as Salt Lake, a city in which so many public officials are to be housed.

The increase in Seattle is correspondingly large, for the reason that, next to San Francisco and Portland, Oreg., upon the Pacific coast, this city of Seattle demands more room for Government officials than any other city west of the Rocky Mountains.

The following statement indicates the different cities benefited by this bill, and shows not only the limit of cost heretofore authorized by public buildings in the respective cities, but shows estimates made by the Treasury Department thereon and amount of increase conceded by your committee:

Location.	Present limit.	This bill.	Treasury estimate.
Aberdeen, S. Dak.	\$87,000	\$100,000	\$150,000
Abilene, Tex.	75,000	100,000	125,000
Boise, Idaho.	200,000	250,000	325,000
Brunswick, Ga.	50,000	100,000	100,000
Cheyenne, Wyo.	250,000	325,000	350,000
Cumberland, Md.	75,000	100,000	125,000
Butte, Mont.	200,000	225,000	300,000
Eau Claire, Wis.	50,000	110,000	175,000
Elmira, N. Y.	185,000	232,000	232,000
Creston, Iowa.	50,000	100,000	150,000
Elizabeth City, N. C.	50,000	100,000	125,000
Fergus Falls, Minn.	75,000	100,000	125,000
Fitchburg, Mass.	100,000	125,000	125,000
Freeport, Ill.	75,000	85,000	125,000
Helena, Mont.	300,000	350,000	400,000
Jamestown, N. Y.	75,000	115,000	125,000
Janetown, Wis.	50,000	75,000	125,000
Joliet, Ill.	100,000	130,000	150,000
Joplin, Mo.	50,000	100,000	100,000
Hot Springs, Ark.	78,000	100,000	100,000
Lawrence, Mass.	100,000	135,000	200,000
Leadville, Colo.	50,000	75,000	125,000
Lockport, N. Y.	50,000	105,000	125,000
Newport, Vt.	50,000	100,000	125,000
Newport News, Va.	100,000	200,000	250,000
Norwich, Conn.	100,000	110,000	125,000
Rome, N. Y.	50,000	70,000	75,000
St. Cloud, Minn.	50,000	68,000	75,000
St. Paul, Minn.	1,050,000	1,150,000	1,150,000
Salt Lake, Utah.	300,000	500,000	500,000
Seattle, Wash.	300,000	750,000	1,000,000
Tampa, Fla.	250,000	325,000	350,000
Wilkesbarre, Pa.	125,000	150,000	225,000
Winston, N. C.	50,000	60,000	125,000
Oskaloosa, Iowa.	50,000	66,000	75,000
Bristol, Tenn.	50,000	55,000	55,000
Columbus, Ga.	156,000	159,000	159,000
Carrollton, Ky.	25,000	30,000	30,000
Dubuque, Iowa.	100,000	110,000	110,000
Indianapolis, Ind.	1,900,100	2,200,100	2,400,000
Total	7,081,100	9,340,100	10,811,000

Amount of increase asked by Treasury Department..... \$3,729,800  
Amount of increase granted by this bill..... 2,259,000

I reserve the balance of my time.

Mr. GRAFF. Will the gentleman yield to me for a question?

Mr. MERCER. I yield to the gentleman from Illinois for a question.

Mr. GRAFF. I desire to ask the gentleman from Nebraska whether there are any provisions here for any building not heretofore authorized by law?

Mr. MERCER. None whatever. This bill does not carry any new authorizations. I ask for a vote.

Mr. BAILEY of Texas. Mr. Speaker, I shall only myself consume enough time to remark that had I known in the beginning how widely and how judiciously the pork in this barrel had been distributed I would have had no expectation of defeating it; and with this remark I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill, carrying enormous appropriations, is another demonstration of the cohesive power of public plunder. I doubt not it will pass without a division. I am somewhat surprised, to say the least, at the present attitude of the distinguished gentleman from Illinois [Mr. CANNON], and I fail to hear his eloquent and emphatic protest against this bill, which will take hundreds and hundreds and thousands of dollars out of the public Treasury. Yesterday, the day before, and for several days last past, we have heard the gentleman from Illinois protesting against these kind of reckless and extravagant appropriations. But when this omnibus building bill comes up, appropriating this vast amount of money, we do not hear a word

from the gentleman from Illinois. He is as dumb as an oyster. It is the old, old story. It only goes to show, however, how strong and powerful local patronage is to secure legislation.

The principal point I now desire to make is that the Committee on Public Buildings and Grounds has refused to give New York City a new post-office. A bill for that purpose has been in the committee for six years. New York City is unjustly discriminated against. The post-office in New York City is old and dilapidated. It is no longer adapted to the postal affairs of the metropolis. It is a menace to the health and to the lives and limbs of every man employed in it. Thousands of men employed in the New York City post-office are compelled to work underground, standing part of the time during each twenty-four hours in water and in dampness. Every merchant, the chamber of commerce, the press, the people, every board of industry and board of trade in New York have petitioned Congress for the last three years to appropriate enough money to build a new and decent post-office in the city of New York.

I myself, sir, have filed with the Clerk of this House hundreds and hundreds of petitions and resolutions in favor of a new post-office in New York City. They have been referred to the committee and that has been the end of the matter. I want to enter my most emphatic protest against the outrageous way New York City is treated by Congress.

The post-office in New York City supplies more revenue to the Government than any other ten post-offices in the United States. The revenue from that post-office, over and above its expenses, amounts every year to between five and six millions of dollars. It is the greatest post-office for the distribution and the transmission of mail in this country; and I say in all sincerity that the great metropolis of the country should have a post-office that will be not alone a credit to the nation, but will preserve the lives and not menace the health of the people who are compelled to work in it.

The chairman of the Committee on Public Buildings and Grounds and the committee appropriate money for every little crossroad post-office in the country. There is no trouble to get an appropriation of \$150,000 for some little country post-office that is an expense to the Government, but when it comes to the post-office of the city of New York the Committee on Public Buildings and Grounds is deaf to all supplications and to all the entreaties of the people of that great city.

The entire postal business of the country is centered in New York City, and that city should have a post-office of adequate accommodations to facilitate business. We only ask for decent treatment—for what is just and right. I hold in my hand an editorial from the New York Herald of March 1 instant—

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Will the gentleman from Texas yield to me time enough to have this article read?

Mr. BAILEY of Texas. I have agreed to give out the time, and will have to take it from others.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print as a part of my remarks an editorial from the New York Herald of March 1, 1901, regarding the New York post-office.

The SPEAKER. The gentleman from New York asks unanimous consent to print an editorial from the New York Herald in reference to the New York post-office.

Mr. MERCER. I object, Mr. Speaker, until I know what it is.

Mr. SULZER. It is a very short editorial from the New York Herald. It does not refer to the gentleman, but only to this post-office.

The SPEAKER. Objection is made.

Mr. BAILEY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. MIERS].

Mr. MIERS of Indiana. Mr. Speaker, I would like to have the attention of the chairman of the committee a moment. I would like to inquire if there has been an increase in the appropriation for the public building at Indianapolis?

Mr. MERCER. There has.

Mr. MIERS of Indiana. It is not in the printed bill.

Mr. MERCER. No; it is a committee amendment.

Mr. MIERS of Indiana. How much is the increase?

Mr. MERCER. Three hundred thousand dollars.

Mr. MIERS of Indiana. What is the purpose of the increase?

Mr. MERCER. For the purpose of permitting the Secretary of the Treasury and the Supervising Architect to draw plans so that the building shall be commensurate with the needs of the public business there.

Mr. MIERS of Indiana. Is it the purpose to change the plan originally adopted as to the character of the building?

Mr. MERCER. The plans had not been drawn. They were held up pending the action of Congress.

Mr. MIERS of Indiana. Is it changed, then, to carry out a different plan?

Mr. MERCER. I refer the gentleman to the gentleman from Indiana [Mr. OVERSTREET].



Mr. OVERSTREET. Mr. Speaker, the purpose of the increase is to make the difference between the price of material at the time the original law went into effect and the present time; also because of the increased price for the site for the building, which was made more by reason of the purchase of a larger amount of ground. I know the point the gentleman from Indiana refers to—whether or not there is any change in reference to the material to be used.

Mr. MIERS of Indiana. That is the point.

Mr. OVERSTREET. That has nothing to do with the increase. It has been the practice of the Department for a great many years to let bids for contracts for public buildings with the alternative of a different character of material, for the purpose of insuring competition, that would bring the best possible price for the construction for the amount authorized by the law. There is no purpose in this increase to change that practice, nor in any way or manner to affect the material to be used in the construction of the building. Taking into account the cost of the material and the increased price for the site are the only reasons for the increase.

Mr. MIERS of Indiana. I would like to ask my colleague, the gentleman from Indiana, whether this in any way militates against the use of Indiana stone and in favor of granite?

Mr. OVERSTREET. Not in any way whatever.

Mr. MIERS of Indiana. I would like to ask the gentleman if he has any information as to the relative cost of the Indiana stone and the Vermont granite?

Mr. OVERSTREET. I have not.

Mr. MIERS of Indiana. There is much more difference than \$300,000, is there not?

Mr. OVERSTREET. I do not know, because the character of the material has nothing to do with the proposed increase. Bids will be invited in the alternative, so that the friends of one kind of material can have the privilege of competing with friends of the other material. They are not discriminated against.

Mr. MIERS of Indiana. Then, Mr. Speaker, in conclusion, I am in favor of the best building for Indianapolis that can be erected on an economical basis. There are two theories here. One is that there was an effort to crowd out the Indiana stone, because it is close there and cheaper, and put in the Vermont marble or granite; but I am entirely content with the explanation of the gentleman from Indiana [Mr. OVERSTREET], for two reasons. I realized there would be more difference between the cost of the two materials than two or three hundred thousand dollars; there would be more difference than half a million, and, in addition to that, if the Indiana stone, which is the favorite building stone, not only of the West, but the East, the North, and the South, were to be crowded out or to be put in jeopardy I would be opposed to it. But I understand from the distinguished chairman of the committee and the gentleman from Indiana that there is no such purpose as that. They tell me the proposed increase is to meet the extra expense by reason of the increase in price of material and labor.

Mr. STEELE. Let me say to the gentleman that I had correspondence with the Secretary of the Treasury on this subject. He assured me that the Supervising Architect of the Treasury had been misquoted, and that he had never said anything that could be tortured into expressions against the use of the Indiana stone.

Mr. MIERS of Indiana. Then the gentleman from Indiana [Mr. STEELE] joins in the conclusion that I do, that there is no proposed discrimination against the Indiana stone?

Mr. STEELE. I think not; if I thought there was I would not vote for this measure.

Mr. OVERSTREET. May I inquire of the gentleman whether or not my colleague has any opposition to leaving this to an open bid between all the representatives?

Mr. MIERS of Indiana. An open bid and a fair investigation is all that the Indiana stone desires. This industry has added largely to the wealth of the State and furnished employment to many laboring men, and is a matter of great interest to both labor and capital in the State and the nation. I would be derelict if I should allow any enactment that would needlessly vote an additional sum out of the Treasury, even if it does go to my State. I would be doubly so if I should allow anything to go unchallenged that would cripple this great industry.

The quarries of the State of Indiana have furnished the stone for the magnificent capitol at the city of Indianapolis and for the soldiers' monument and the court-house, all of which beautify the city of Indianapolis.

The products of said quarries have been used successfully in the building of several capitols of other States of this Union, court-houses, and public buildings all over the country.

The product of said quarries has by the experience of time proven to be permanent, enduring, and having all the qualities needed and desired in the construction of buildings and monuments for the future as well as the present.

The said quarries have become one of the great industries of the great State, and the value of their product represents to a very large extent the labor of the State.

It is regarded everywhere as the best and cheapest building stone in the United States. Its ability to stand the wear of time has been fully demonstrated; its superior qualities are recognized by the first architects of the United States. It never shirks or evades competition, but always courts it. It only wants open and equal chance for a place in the great building at our capital city. I accept the avowed purpose of the chairman of the committee and of the gentleman from Indiana [Mr. OVERSTREET] that the sole purpose of this increased appropriation is to meet the increased cost of labor and material since the original plans were considered.

I need hardly say that the people of Indiana are proud of this great industry and watching the legislation on this subject and will not consent that any legislation be had that looks to the smuggling in some other material to the disadvantage of the Indiana stone. What we want is an appropriation sufficiently large to economically construct a building adequate to the purposes for which it is to be used and in keeping with the growth and enterprise of the beautiful capital of the great State of Indiana. Personally, I believe the Indiana stone will meet all of these requirements.

Mr. OTEY. Mr. Speaker, may I ask if this bill can be amended?

The SPEAKER. It can not. This is a motion to suspend the rules.

Mr. MIERS of Indiana. Mr. Speaker, I ask unanimous consent that I may have leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that he may be permitted to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MERCER. I object.

The SPEAKER. Too late.

Mr. BAILEY of Texas. I now yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, if these buildings are incomplete they, of course, can not be used for the purposes for which they are supposed to be erected. If they are incomplete they should be finished. But, Mr. Speaker, I want to call the attention of this honorable body to the fact that if the majority party, that now makes this law, and has been making the law for four years, if the party had executed the laws as they now exist on our statute books, perchance this deficit might have been avoided.

In other words, if the trust laws that slumber absolutely dead upon our statute books had been prosecuted as they should have been, the trusts or combines, the unholy monopolies that are now outraging a free people and at this very moment are holding up the Government of the United States, as this bill is a proof of, this legislation might have been properly and fortunately avoided.

But, Mr. Speaker, the fact is that under the anti-trust act of 1890, placed there by the voice of both parties without a dissenting vote in the House or the Senate, up to last May had been brought into action against only three trusts in this country.

And the letter of the honorable Attorney-General of the United States, Mr. Griggs, which I hold in my possession, is absolute proof of the fact. One of these cases had failed, one case had succeeded, and one had been adjudicated at that date. No one will dispute the fact, Mr. Speaker, that if that law had been properly executed every trust that has been carrying on interstate combines in this country might have been crushed, and this appropriation avoided, and the people permitted to have the rights that they should have under the law of the land.

Not only that statute, Mr. Speaker, but we have the act of August 28, 1894, known as the Wilson law. That act, Mr. Speaker, was carried into and made a part of and is now the law of this land, under and by virtue of the last section of the McKinley act, which expressly provided for the continuation of sections 73, 74, 75, 76, and 77 of the Wilson bill law. The sections in question read as follows:

SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void, when the same is made by or between two or more persons or corporations either of whom is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and, on conviction thereof in any court of the United States, such person shall be fined in a sum not less than \$100 and not exceeding \$5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than three months nor exceeding twelve months.

SEC. 74. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of section 73 of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the



Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 75. That whenever it shall appear to the court before which any proceeding under the seventy-fourth section of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 73 of this act, and being in the course of transportation from one State to another, or to or from a Territory, or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 77. That any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

Yet, Mr. Speaker, that law now is nearly seven years old, and not a single suit has been filed under it. The distinguished gentleman from Wisconsin [Mr. BABCOCK] introduced a bill a few days ago, but in plenty of time to have a willing Congress make it a law, which provides for putting on the free list, clearly a Democratic policy long espoused, every one of the iron materials that are used in making our public buildings as well as our private buildings, all the steel material and billets, etc.; and yet that bill sleeps to-day in the distinguished Republican committee; and yet that bill has not been heard of save in the public press since its introduction.

We passed last session a bill here that we thought at least continued the fight and opposition of the American people against trusts, and we sent it to the Senate, where it will die absolutely by the 4th of March, and yet the Democrats last session and this session demanded its passage; but nothing has been done by the majority party to pass it.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent to extend my remarks in the RECORD.

Mr. MERCER. I must object to that, but I will yield the gentleman two minutes of my time.

Mr. GAINES. I thank the gentleman.

Now, Mr. Speaker, I am not taking any partisan advantage of this situation—a statement of these facts suffice—but I challenge any man in this House or elsewhere to dispute the fact that the present Attorney-General, under the law of 1890 had filed any more than three suits up to the 31st of last May. I challenge any man to dispute successfully the fact that under the act of the Wilson anti-trust law and continued in the Dingley Act not a single suit has been filed—not one.

Mr. Speaker, it is said by the unholy party, the parent of trusts, that Bryanism is dead in this country, but, Mr. Speaker, that is not true. We find that that great patriot introduced in the Congress of the United States a bill similar to the Babcock bill on May 26, 1892, the number being H. R. 9004, requiring that such materials as were made into trust property and were protected under the tariff law should be placed upon the free list.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES. I append, Mr. Speaker, as part of my remarks, the Bryan bill of 1892 and Babcock bill of 1901, as follows:

[H. R. 9004, Fifty-second Congress, first session. In the House of Representatives, May 26, 1892. Referred to the Committee on Ways and Means and ordered to be printed. Mr. Bryan introduced the following bill:]

A bill to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be, and the same is hereby, amended by adding thereto the following as an additional section, namely:

"SEC. 9. That whenever any circuit court of the United States shall find in a case pending before it under this act that any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, exists in respect to any article or articles upon which any duties are levied by the then existing tariff laws of the United States, it shall be the duty of the court to report the facts so found to the President of the United States, setting forth specifically each and every such article. It shall be the duty of the President of the United States, upon the receipt of such report, to issue his proclamation placing each and every such article, when imported into the United States, upon the free list, and shall fix the time, not exceeding thirty days from the receipt of the findings of the court, at which such article or articles shall be admitted free of duty. And on and after the date fixed in said proclamation such article or articles shall, when imported into the United States, be admitted free of duty: *Provided*, That whenever such article or articles are subjected to a tax under the internal-revenue laws of the United States, the duty on such article or articles shall be equal to such internal-revenue tax. And from and after the date fixed by the proclamation such article or articles shall be admitted, when imported into the United States, subject to a duty equal to the internal-revenue tax on said article or articles."

[H. R. 14145, Fifty-sixth Congress, second session. In the House of Representatives, February 11, 1901. Mr. BABCOCK introduced the following bill; which was referred to the Committee on Ways and Means, and ordered to be printed.]

A bill repealing certain sections of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sections of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," being a part of "Schedule C—Metals and manufactures of," be, and the same are hereby, repealed:

"123. Bar iron, square iron, rolled or hammered, comprising flats not less than 1 inch wide nor less than three-eighths of 1 inch thick, round iron not less than seven-sixteenths of 1 inch in diameter, six-tenths of 1 cent per pound."

"124. Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled or hammered iron, not specially provided for in this act, eight-tenths of 1 cent per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings, shall be subject to a duty of five-tenths of 1 cent per pound: *Provided further*, That all iron bars, blooms, billets or sizes or shapes of any kind, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of \$12 per ton."

"125. Beams, girders, joists, angles, channels, car-truck channels, T T. columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, whether plain or punched or fitted for use, five tenths of 1 cent per pound."

"126. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, five-tenths of 1 cent per pound; valued above 1 cent and not above 2 cents per pound, six-tenths of 1 cent per pound; valued above 2 cents and not above 4 cents per pound, 1 cent per pound; valued at over 4 cents per pound, 25 per cent ad valorem: *Provided*, That all sheets or plates of iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets."

"127. Iron or steel anchors or parts thereof, 1½ cents per pound; forgings of iron or steel, or of combined iron and steel, of whatever shape or whatever degree or stage of manufacture, not specially provided for in this act, 35 per cent ad valorem; anti-friction ball forgings of iron or steel, or of combined iron and steel, 45 per cent ad valorem."

"128. Hoop, band, or scroll iron or steel, not otherwise provided for in this act, valued at 3 cents per pound or less, 8 inches or less in width, and less than three-eighths of 1 inch thick and not thinner than No. 10 wire gauge, five-tenths of 1 cent per pound; thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge, six-tenths of 1 cent per pound; thinner than No. 20 wire gauge, eight-tenths of 1 cent per pound: *Provided*, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed or punched, with or without buckles or fastenings, shall pay one-tenth of 1 cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made; steel bands or strips, untempered, suitable for making band saws, 3 cents per pound and 20 per cent ad valorem; if tempered, or tempered and polished, 6 cents per pound and 20 per cent ad valorem."

"129. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for bailing cotton or any other commodity, five-tenths of 1 cent per pound."

"130. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, seven-twentieths of 1 cent per pound; railway fish-plates or splice-bars, made of iron or steel, four-tenths of 1 cent per pound."

"131. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than No. 10 and not thinner than No. 20 wire gauge, seven-tenths of 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, eight-tenths of 1 cent per pound; thinner than No. 25 wire gauge and not thinner than No. 32 wire gauge, 1.1 cents per pound; thinner than No. 32 wire gauge, 1.2 cents per pound; corrugated or crimped, 1.1 cents per pound: *Provided*, That all sheets of common or black iron or steel not thinner than No. 10 wire gauge shall pay duty as plate iron or plate steel."

"132. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates,terne plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated."

"135. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes; saw plates, wholly or partially manufactured; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel in all forms and shapes not specially provided for in this act, all of the above valued at 1 cent per pound or less, three-tenths of 1 cent per pound; valued above 1 cent and not above 1.4 cents per pound, four-tenths of 1 cent per pound; valued above 1.4 cents and not above 1.8 cents per pound, six-tenths of 1 cent per pound; valued above 1.8 cents and not above 2.2 cents per pound, seven-tenths of 1 cent per pound; valued above 2.2 cents and not above 3 cents per pound, nine-tenths of 1 cent per pound; valued above 3 cents per pound and not above 4 cents per pound, 1.2 cents per pound; valued above 4 cents and not above 7 cents per pound, 1.3 cents per pound; valued above 7 cents and not above 10 cents per pound, 2 cents per pound; valued above 10 cents and not above 13 cents per pound, 2.4 cents per pound; valued above 13 cents and not above 16 cents per pound, 2.8 cents per pound; valued above 16 cents per pound, 4.7 cents per pound."

#### "WIRE."

"136. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, in coils or otherwise, valued at 4 cents or less per pound, four-tenths of 1 cent per pound; valued over 4 cents per pound, three-fourths of 1 cent per pound: *Provided*, That all round iron or steel rods smaller than No. 6 wire gauge shall be classed and dutiable as wire: *Provided further*, That all iron or steel rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-half of 1 cent per pound."

"137. Round iron or steel wire, not smaller than No. 13 wire gauge, 1½ cents per pound; smaller than No. 13 and not smaller than No. 16 wire gauge, 1½ cents per pound; smaller than No. 16 wire gauge, 2 cents per pound: *Provided*, That all the foregoing valued at more than 4 cents per pound shall pay 40 per cent ad valorem. Iron or steel or other wire not specially provided for in this act, including such as is commonly known as hat wire, or bonnet wire, crinoline wire, corset wire, needle wire, piano wire, clock wire, and watch



wire, whether flat or otherwise, and corset clasps, corset steels and dress steels, and sheet steel in strips, twenty-five one-thousandths of an inch thick or thinner, any of the foregoing, whether uncovered or covered with cotton, silk, metal, or other material, valued at more than 4 cents per pound, 45 per cent ad valorem: *Provided*, That articles manufactured from iron, steel, brass, or copper wire, shall pay the rate of duty imposed upon the wire used in the manufacture of such articles, and in addition thereto 1½ cents per pound, except that wire rope and wire strand shall pay the maximum rate of duty which would be imposed upon any wire used in the manufacture thereof, and in addition thereto 1 cent per pound; and on iron or steel wire coated with zinc, tin, or any other metal, two-tenths of 1 cent per pound in addition to the rate imposed on the wire from which it is made.

"NAILS, SPIKES, TACKS, AND NEEDLES.

"160. Cut nails and cut spikes of iron or steel, six-tenths of 1 cent per pound.

"162. Wire nails made of wrought iron or steel, not less than 1 inch in length and not lighter than No. 16 wire gauge, one-half of 1 cent per pound; less than 1 inch in length and lighter than No. 16 wire gauge, 1 cent per pound.

"171. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tiers or parts thereof, wholly or partly manufactured, 1½ cents per pound; and ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, 1½ cents per pound: *Provided*, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately."

Mr. BAILEY of Texas. I ask the gentleman from Nebraska [Mr. MERCER] if he intends to consume the balance of his time, that he use part of it now. We have, I believe, on this side five minutes remaining.

Mr. MERCER. I prefer that the gentleman from Texas should go on.

Mr. BAILEY of Texas. It is usual to alternate in these speeches. I had an impression that the gentleman from Nebraska did not intend to consume his time.

Mr. MERCER. I shall occupy only three or four minutes.

Mr. BAILEY of Texas. Well, with that expectation, I yield whatever time I have remaining to the gentleman from New York [Mr. GLYNN].

Mr. GLYNN. Mr. Speaker, I send to the desk a petition and set of resolutions, which appeared in the RECORD of January 11, 1901, and which I wish the Clerk to read.

The Clerk read as follows:

A PETITION.

SALT LAKE CITY, December 28, 1900.

To the Honorable Committee on Public Buildings and Grounds,  
House of Representatives, Washington, D. C.

GENTLEMEN: Your petitioners—merchants, bankers, and business men of Salt Lake City, Utah—respectfully represent that in compliance with "An act to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah," approved March 2, 1899, advertisements were inserted in the Salt Lake Tribune for such site, requiring, among other things, that the Government building be located on "a corner lot, approximating 180 feet front by 180 feet in dimensions, is preferred. If not a corner lot, the property must approximate 180 feet by 230 feet in dimensions, the 230 feet to be street frontage." The act referred to requires, among other things, after the said advertisement is made, "that thereafter the Secretary of the Treasury shall cause examination to be made of the said bids and the said proposed sites, and shall cause statements, maps, and plats thereof to be taken and submitted to him."

Your petitioners therefore allege:

First. That no examination, such as is required by the act referred to, has ever been made.

Second. That they are informed and believe that the site was selected by one H. A. Taylor, who had visited Salt Lake City but three times and at dates long prior to 1899, and hence was not qualified at the date said site was selected to make a proper or suitable selection without personal examination.

Third. That it is south of all the business portion of the city and not in the direction of the city's growth.

Fourth. That it is on low ground, only 1½ blocks above the line of the gravity sewer. It is on ground similar to that on which the city and county building is located, the foundation of which is estimated to have cost from \$40,000 to \$50,000 more than if located on solid ground in the center or upper portion of the city.

Fifth. The advertisement fixed the size of the site 180 feet square if located at a street intersection. Streets in the business portion of Salt Lake City are 132 feet wide. The site selected is located on the corner of East Temple and Market streets. Market street is a private street, one block in length, half the width of the regular streets, hence it does not comply with the terms or intention of said advertisement.

Sixth. Your petitioners believe that the capital of the State of Utah should receive more consideration in the selection of a site for a public building.

That no proper consideration was given to the other numerous sites offered.

That if proper examination had been made the site which was situated on lowest ground and which would require the greatest expenditure for foundation would not have been selected.

Seventh. Your petitioners request that a committee be appointed to make a proper examination and select a site in the business district of the city, where it will be centrally located as regards population, in the direction of the city's growth, and where it will be convenient to all residents, and at the same time present an imposing and dignified appearance. They also request that all persons may be awarded an impartial hearing to present the merits of their respective locations.

And your petitioners will ever pray.

Lewis S. Mills, president Deseret National Bank; Heber J. Grant, president State Bank of Utah; John E. Dooley, banker; The Brigham Young Trust Company, by N. W. Clayton, chairman executive committee; Cooperative Wagon and Machine Company, Geo. T. Odell, general manager; Spencer Clawson & Co., wholesale dry goods; McCormick & Co., bankers; Henry Dinwoody, Dinwoody Furniture Company; Wm. R. Wallace, property owner; Hooper Building, by Jos. E. Caine, agent; Continental Market Company, J. E. Caine, president; W. F. Armstrong, president of Utah Commercial and Savings Bank; Thomas W. Jennings; Mary H. Jennings, by Thos. W. Jen-

nings; P. W. Madsen; Utah Stove and Hardware Company, P. W. Madsen, president; Western Loan and Savings Company; J. B. Toronto, vice-president Western Loan and Savings Co.; Thomas G. Webber, merchant; Home Fire Insurance Company of Utah, by Heber J. Grant, president; Salt Lake Theater Company; Consolidated Implement Company, by Geo. A. Snow, president and general manager; The Deseret News, H. G. Whitney, business manager.

Mr. GLYNN. Mr. Speaker, this petition is signed by many of the leading business men of Salt Lake City, including representatives of 10 of the 14 banks of that city. It asks that the site upon which it is proposed to erect a public building there be investigated by a committee before any of the money appropriated for this building be expended. These gentlemen are among the most prominent men of that city. They speak for themselves in this petition. They claim that there was an irregularity in the selection of the site and that the title to a part of it is imperfect. For that reason they ask an investigation. I know that petitions have been filed on the other side in opposition to this; but I want to call attention to the fact that 10 out of the 14 banks in that city have signed the petition just read. The United States attorney at Salt Lake has filed with the Attorney-General a statement that the title of the proposed site is defective.

These gentlemen claim that the city of Salt Lake has only one-half of the title of this property on one side of the street—Market street—that the other half is merged in some estate.

The people of that city asked for a hearing before the Committee on Public Buildings and Grounds. They were notified that a hearing would be held on the succeeding day at 9 o'clock. It happened that one of the leading men of Salt Lake City, who signed that petition, was in the city of Washington. He appeared before the committee and informed them that only a few feet away from where it is proposed to erect this building there has been erected a large building, and in order to secure a foundation for it was necessary to sink railroad ties.

They also claim, in another petition, printed in the RECORD of January 23, that the proposed site does not meet the requirements of the Government advertisement for a site. The gentlemen whose signatures appear on this petition stand ready to donate to the Government any site in Salt Lake City which may be selected by a committee to be appointed in accordance with their prayer in the petition as the best site in the city for a Federal building. Now, Mr. Speaker, I do not want to be misunderstood in this matter. I am not against the appropriation for the building at Salt Lake. I am in favor of the whole amount mentioned in this bill for that city, but I am also in favor of this House paying respectable attention to the prayers and requests of the prominent business men of Salt Lake City.

Surely, the standing and prominence of those men are sufficient to entitle them to attention from the members of this House; surely, those men would not place their names on a petition which stated aught else but the strict truth; surely, they are not asking anything unreasonable when they petition Congress to make an investigation for the purpose of securing the best possible site in Salt Lake City for the erection of a \$500,000 building. I, for one, do not believe that we have any right to vote away the people's money for the erection of a public building without at least a reasonable assurance that the best possible site is being selected. But in this case, Mr. Speaker, men of prominence assert, in cold type, that the proposed site is the worst one of the eleven offered to the Government.

In the snap hearing before the Committee on Public Buildings and Grounds on this matter Mr. Spencer Clawson, one of the leading business men of Salt Lake City, distinctly stated that a more objectionable site than the one proposed could not be selected. Now, sirs, I do not believe that a man of Mr. Clawson's standing would make such an assertion unless it were true, and I do not think that any of you do, either. In fact, sirs, every person from Salt Lake City that I have talked with admits that there are more desirable sites in Salt Lake City than the one selected.

A gentleman sitting near me whispers for information as to how a public building at Salt Lake City interests me. He states it is not a New York State matter. I agree with him in a degree. But in another degree it is a New York State matter just as much as it is a Utah matter. New York does not furnish all the money for the public buildings, though I am rather under the impression that it furnishes a good deal indirectly for everything this country does. Neither does Utah furnish all the money. The money comes from the Federal Treasury. We are Federal officials, and every man here should be interested in every cent spent from the Treasury, even if it does not go into his own district.

I am well aware, Mr. Speaker, that no words of mine, or of anyone else, as far as that is concerned, will have the least influence upon this bill. I know that not a single line will be changed or a single amendment allowed. Knowing that, though, does not deter me in presenting the claims of the prominent men on this petition before the members of this House. The die has been cast; the logs have rolled; the booty has been so distributed that enough votes are behind the bill to ride roughshod over the prayers of

these prominent men of Salt Lake. They may be right, they may be wrong; but, right or wrong, they are certainly entitled to a hearing to make good the serious charges they present in their petition, and I am in favor of giving them this opportunity, even though the sauce has been so spread over this appropriation pudding as to make it toothsome to the majority of the members of this House.

Mr. MERCER. Mr. Speaker, in reply to what has just been said I wish to say that the Representative from Utah [Mr. KING], who at the outset favored the site in the interest of which the gentleman from New York has spoken, comes in now, and, with nearly all the citizens of Salt Lake, asks that the present site, which was given to the Government free of cost, be taken for this building, and the whole matter settled. I ask unanimous consent to publish with my remarks some data and reports covering this whole matter.

The SPEAKER. The gentleman from Nebraska [Mr. MERCER] asks unanimous consent to print with his remarks certain papers. Is there objection?

Mr. SULZER. I object.

Mr. MERCER. I now ask for a vote.

Mr. SULZER. Mr. Speaker, I withdraw the objection.

Mr. MERCER. I thank the gentleman for his courtesy. I now submit the data referred to concerning the Walker site in Salt Lake, upon which the Government building is to be erected.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, March 5, 1900.

SIR: In compliance with the request contained in your letter of the 19th ultimo, for a report in connection with S. 2198, providing for an increase of limit of cost of the public building at Salt Lake City, Utah, I have the honor to advise you that an increase in present limit, namely, \$300,000 to \$500,000, will be sufficient for the erection of a building affording ample accommodations to meet all the requirements of the public service at Salt Lake City.

Respectfully,

O. L. SPAULDING,  
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,  
House of Representatives.

TREASURY DEPARTMENT, Washington, D. C., December 17, 1900.

DEAR Mr. MERCER: Referring to our conversation by telephone on Saturday, I wish to submit to you, in corroboration of what I stated, a number of telegrams which I have received to-day. You will notice that one of them is from the city engineer, one from the State engineer, and two from ex-engineers, members of the board of public works. Of course no men are so well qualified to give an opinion as these men, and it puts an entire quietus on those who are claiming that it is not possible to get good foundations for the Salt Lake building.

I also understand that there is some complaint about there not being sufficient approaches. There is no more ground for this than for the other complaint. Ample approaches have been provided for. There was some controversy about a title to one-half of the street on one side of the building, but this has all been settled. The United States attorney says the title is perfect, and it has been so certified to us by the Department of Justice.

Let me say that this whole agitation is the result of disappointment on the part of certain parties who were not able to sell sites to the Government at big prices. I went over the whole matter of the Salt Lake building thoroughly. All these questions were raised before, and I satisfied myself fully in regard to them before selecting the site. I hope these telegrams which I inclose will settle the matter. If not, and if there is any more information desired, will you be kind enough to inform me and let me appear before the Committee before any adverse action is taken on the estimate for more money with which to construct the building.

It is my opinion that the extra money asked for should be appropriated. Salt Lake is a very important and growing city and greatly in need of a public building, and I hope such action will be taken as will permit us to begin its construction at an early date.

Please return the telegrams.

Very truly, yours,

H. A. TAYLOR.

HON. DAVID H. MERCER,  
Chairman Committee on Public Buildings, House of Representatives.

TREASURY DEPARTMENT, Washington, D. C., December 18, 1900.

SIR: Your letter of yesterday to the Secretary of the Treasury has been referred to me for reply. I wrote you yesterday, inclosing various telegrams, which I presume will satisfy you that there is no ground for the charge that the site for the Federal building is located where it will be impossible to secure good foundations. You also say that it is claimed that the site is removed some distance from the business portion of the city. As a matter of fact, it is on the main street of the city, less than two blocks from the point that everybody concedes is the business center, and is south, in the direction in which nearly all the growth of the city at present is being had.

You say that other sites were offered to the Government free of cost. Only one, and that was at the extreme northern end of the city, adjoining the Mormon Temple. That site has since been occupied by the erection of a building. This matter, as I wrote you before, has all been thoroughly investigated, and the Department believes that the site selected is the most suitable one to be had and meets the approval of a great majority of the people of the city, as papers on file in this office show.

Truly, yours,

H. A. TAYLOR,  
Assistant Secretary.

HON. DAVID H. MERCER,  
Chairman Committee on Public Buildings, House of Representatives.

ENGINEERING DEPARTMENT,  
WATERWORKS DIVISION, CITY HALL,  
Salt Lake City, January 5, 1901.

To whom it may concern:

I hereby certify that the relative elevation of the Walker and Dooly sites offered to the United States Government is as follows:

Walker-site ..... 4,294  
Dooly site ..... 4,303

I also certify that the Walker site is nearer the present business center of Salt Lake City than the old city hall, Mormon Church, or Dooly sites, and 2 blocks

nearer the present business center than the joint city and county building, in which the courts are held and the public records kept, and which cost about \$1,000,000.

Also, that the sewer which passes the Walker site is over 12 feet below the sidewalk at the corner of said site, and the main 42-inch outlet sewer, 14 blocks below, is 26 feet below said corner.

I also certify that the foundation at said site is good and is better than the foundation where the joint city and county building is erected.

F. C. KELSEY, City Engineer.

Subscribed and sworn to before me this 5th day of January, A. D. 1901.

[SEAL.]

M. J. CHEESMAN, Notary Public.

My commission expires July 14, 1901.

I, C. W. Johnson, do hereby certify that the foregoing is a true and correct copy of the original document.

[SEAL.]

C. W. JOHNSON, Notary Public.

STEPHEN H. LYNCH,  
TREASURER OF SALT LAKE COUNTY,  
Salt Lake City, Utah, January 2, 1901.

To whom it may concern:

I, W. O. Carbis, deputy county treasurer, hereby certify that the real estate valuations of blocks Nos. 51, 59, 71, and 88, Plat A, Salt Lake City survey, for the year 1899, as shown by the books in the office of the county treasurer, were as follows, to wit:

Block 51, Walker site ..... \$210,384.00  
Block 59, Dooly site ..... 169,308.00  
Block 71, Young site (old city hall) ..... 156,678.00  
Block 88, Church site ..... 97,685.00

Said valuations were assessed by the county assessor and approved and fixed by the boards of equalization of both the county and State for the year 1899.

W. O. CARBIS,

Deputy County Treasurer.

Subscribed and sworn to before me this 5th day of January, A. D. 1901.

[SEAL.]

GEO. F. FELT, Notary Public.

My commission expires May 14, 1904.

I, C. W. Johnson, do hereby certify that the foregoing is a true and correct copy of the original document.

[SEAL.]

C. W. JOHNSON, Notary Public.

To the HONORABLE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,  
House of Representatives, Washington, D. C.

GENTLEMEN: Your petitioners, bankers, merchants, business and professional men of Salt Lake City, Utah, respectfully request that you make the additional appropriation of \$200,000 for the new Federal building to be erected in this city on the Walker site, purchased by the Hon. Lyman J. Gage, Secretary of the Treasury Department, for \$1 consideration, said site having cost the donors over \$40,000. On August 1, 1899, said site was conveyed to the United States Government.

We make the above request on the ground that the site selected and purchased is as good and as centrally located as any that was offered to the Government, and that the Government will require a building of that size, to cost not less than \$500,000, to accommodate its business in a city the size of Salt Lake.

We respectfully call your attention to the affidavits of the county treasurer and the city engineer, herewith attached, showing the relative value of the Walker site as compared with the others, and that the protests filed against said site are by parties who were directly interested in other sites.

We would respectfully call your attention to the certificate of the county treasurer, herewith attached, showing that the real estate in block 51, in which the Walker site is located, was assessed for the year 1899 by the county assessor (the same being approved by the State and county boards of equalization) at 34.3 per cent more than the real estate in block 71, in which the old city hall site is located; at 115.3 per cent more than the real estate in block 88, in which the Mormon Church site is located, and 24.3 per cent more than the real estate in block 59, in which the Dooly site is located.

And your petitioners ever pray.

The National Bank of the Republic, by Frank Knox, president; The Commercial National Bank, by George M. Downey, president; Bank of Commerce, by Samuel C. Park, cashier; Walker Brothers, bankers; J. E. Bamberger; North American Trust Company, by R. B. Whittemore, agent; David Keith, president Silver King Manufacturing Company; A. C. Ellis; Lindsey R. Rogers; Ezra Thompson; G. S. Holmes; Ogden Hiles, district judge; H. W. Lawrence; H. G. McMillan; Salt Lake and Ogden Railway Company, S. Bamberger, general manager; Herman Hill, Dickson, Ellis & Ellis; A. C. Ellis, jr., attorney at law; Walker House, by M. A. Dudley, proprietor; Clift House, by W. T. Lynch, proprietor; J. W. Houston; Buckle & Son; Bamberger & McMillan; E. W. Genter, manager Utah Savings & Trust Co.; Don H. Porter, proprietor Kenyon Hotel; Geo. Mullett & Co.; Knutsford Hotel, by G. S. Holmes; The Kentucky Liquor Co.; John Strickley, manager; Smith Drug Co.; Boyd Park; Bamberger Coal Co.; J. S. Critchlow, manager; A. R. Derge & Co., books and stationery; A. Fred Wey; S. S. Walker Estate Co., by Sharp Walker, president; P. J. Moran; James O'Connor, druggist; Ward & Co., per Geo. Ward, wholesale and retail butchers; W. S. Henderson, wholesale and retail grocery; Druehl & Franken, druggists, Main and Third South sts.; Walker Brothers' Dry Goods Co., per S. V. Shelp, manager. Freed Furniture and Carpet Company, by Lester D. Freed, manager; L. & A. Cohn, dry goods; O. J. Salisbury, treasurer Groesbeck Company; W. H. Bancroft; The Wilson-Sherman Company; W. J. Halloran; A. G. Norrell; Sam Levy Cigar Manufacturing Company; F. J. Hill & Co.; James A. Miner (chief justice); Nelden Judson Drug Company, by Jno. J. Judson, vice-president; William C. Hall; Houston Real Estate Investment Company, C. W. Johnson, secretary; The Lace House Company, by L. G. Ransohoff, secretary; R. B. Whittemore, member of city council; Ben Davis; Davis Shoe Company; Thos. G. Shearman estate, Thos. W. Partridge, agent; Western Hotel Company, S. T. Pearson; Odd Fellows' Building Association, by J. J. Thomas, president; W. J. Wolstenholme; Wm. Bartling, New York Cash Store; E. B. Wicks, real estate; John Lollin; John McDonald, jr.; F. D. Hobbs; Frederick Heath; Ernest Quayle; F. D. Clift; Danl. Wolstenholme; Citizens' Coal Company; W. H. H. Spafford; Jas. K. Shaw.

I, E. J. Wills, a notary public, do hereby certify that the foregoing is a true and correct copy of the original document.

[SEAL.]

E. J. WILLS, Notary Public.

My commission expires May 10, 1901.



The question being taken on the motion to suspend the rules and pass the bill with the amendments, it was agreed to, two-thirds voting in favor thereof.

#### QUESTION OF PRIVILEGE.

The SPEAKER. The Chair lays before the House the sundry civil appropriation bill with Senate amendments. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. OTEY. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. OTEY. I would like first to submit a parliamentary inquiry. I believe we are now still in the session of yesterday. Is that true, parliamentarily speaking?

Several MEMBERS. That is right.

The SPEAKER. This is the Calendar day of Saturday, but it is the legislative day of Friday.

Mr. OTEY. Well, Mr. Speaker, this is a matter involving high personal privilege—involving the rights of every member on this floor.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. OTEY. Yesterday—or rather to-day—about 4 o'clock yesterday evening, when I made some extemporary remarks without any manuscript, I made no request whatever to have those remarks submitted to me for revision. I turn to page 3639 of the RECORD to-day and I find that my speech is not in the RECORD. It simply says:

[Mr. OTEY addressed the House. His remarks will appear hereafter.]

I think, sir, it is the right of every member to have his speech published in the RECORD just as he delivers it. [Laughter.] I made a speech yesterday—perhaps the best one I ever made in my life—and I find that it is not in the RECORD. I ask, sir, the poor privilege of a member of this House to put that speech in the RECORD just as I delivered it.

The SPEAKER. Has the gentleman concluded his statement?

Mr. OTEY. Yes, sir.

The SPEAKER. The Chair finds no question before him to be decided. [Laughter.] The Chair is advised—though not knowing the facts—that the gentleman's speech consisted of standing poetically silent, holding his watch, without saying a word.

Mr. OTEY. I did say a word. [Laughter.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

#### ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title:

H. R. 14017. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3288. An act for the relief of Daniel Coonan.

#### SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. ROBINSON of Indiana. I desire to reserve points of order upon this bill.

The SPEAKER. There is no report yet.

Mr. CANNON. I ask unanimous consent that the House non-concur in all of the Senate amendments to the sundry civil appropriation bill and ask for a conference with the Senate.

Mr. FITZPATRICK. I object, unless the gentleman from Virginia [Mr. OREY] can have his "word" printed in the RECORD.

The SPEAKER. The Chair had not stated the request of the gentleman from Illinois. That gentleman, chairman of the Committee on Appropriations, asks unanimous consent that the House non-concur in all the amendments of the Senate to the sundry civil appropriation bill, and request on the part of the House a conference with the Senate.

Mr. FITZPATRICK. I object, unless the gentleman from Virginia [Mr. OREY] be permitted to print his "word" in the RECORD.

The SPEAKER. That permission will be cheerfully given. [Laughter.]

Mr. RIXEY. Mr. Speaker, I have been unable to procure a copy of the sundry civil bill as passed by the Senate. One of the amendments, I understand, is a provision in which I feel an interest—

an amendment providing for the building of a bridge across the Potomac. I want to say to the gentleman from Illinois that I have no objection to his motion, provided we can have some assurance that before that amendment is finally disposed of we may have a vote upon the question in the House.

Mr. CANNON. Well, I will say to the gentleman that I have no expectation or belief that there can be a complete agreement upon this bill in the first instance. If there should not be, I am entirely content to report that item back for the consideration of the House.

Mr. RIXEY. That will be satisfactory.

The SPEAKER. The Chair hears no objection, and it is so ordered. The Chair appoints the following managers on the part of the House: Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to call up the conference report on the legislative appropriation bill, and ask unanimous consent that the statement be read instead of the conference report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the legislative bill, and asks unanimous consent that the statement be read, and that the reading of the report be omitted. Is there objection?

Mr. SULZER. I object, Mr. Speaker.

The SPEAKER. Objection is made, and the Clerk will read both the report and the statement.

The Clerk proceeded to read the report.

Mr. SULZER (during the reading of the report). Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman withdraws the objection. The Clerk will report the statement only.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 33, 34, 35, 36, 39, 40, 41, 42, 53, 55, 59, 62, 65, 66, 67, 72, 73, 76, 77, 78, 88, 94, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 115, 121, 122, 124, 125, 127, 131, 143, 144, 146, 149, 153, 154, 155, 156, 157, 175, 176, 179, 180, 182, 183, 191, 192, 204, 205, 207, 216, 220, and 221.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20, 21, 22, 25, 26, 31, 32, 44, 45, 47, 49, 50, 51, 56, 58, 60, 61, 64, 68, 69, 70, 71, 74, 75, 79, 80, 82, 86, 87, 90, 91, 92, 93, 95, 96, 108, 109, 110, 111, 112, 113, 114, 116, 119, 120, 123, 126, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 145, 148, 150, 151, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 187, 188, 201, 202, 203, 208, 209, 210, 211, 212, 213, 214, 215, 217, 218, 219, 222, 225, 226, and 227, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$74,200;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$5,000; hire of horses and wagons and cartage for use of the Clerk's office, \$780; or so much thereof as may be necessary; Chief Clerk, journal clerk, and 2 reading clerks, at \$3,000 each; tally clerk, \$3,000; printing and bill clerk and disbursing clerk, at \$2,500 each; file clerk, \$2,750; enrolling clerk, \$2,250; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and assistant to Chief Clerk, at \$2,000 each; librarian, distributing clerk, and stationery clerk, at \$1,800 each; 1 bookkeeper, 2 assistant librarians, and 7 clerks, at \$1,600 each; document and bill clerk, \$1,600; document clerk, \$1,440; locksmith, who shall be skilled in his trade, \$1,200; cabinetmaker, who shall be skilled in his trade, \$1,200; 2 assistant cabinetmakers, who shall be skilled in their trade, at \$900 each; 1 assistant in Clerk's office and 1 assistant in disbursing office, at \$1,400 each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at \$1,200 each; 1 assistant in library, 1 assistant in document room, and 1 assistant in stationery room, at \$900 each; 1 page, \$720; 2 laborers in the bath-room (Robert Richardson and William Richardson), at \$720 each; 2 laborers, at \$720 each; assistant index clerk, \$1,500; page in enrolling room and messenger in Chief Clerk's office, at \$720 each; in all \$91,460.

"The library of the House of Representatives shall hereafter be under the control and direction of the librarian of Congress, who shall provide all needful books of reference therefor. The librarian, 2 assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules."

On page 14 of the bill, after line 8, insert as a separate paragraph the following:

"For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at the rate of \$720 per annum each, from December 1, 1901, to June 30, 1902, inclusive, and said janitors shall be appointed by the chairmen respectively of said committees and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, \$8,412."



On page 14 of the bill strike out all of lines 12 to 20, inclusive, and insert in lieu thereof the following:

"Office of Sergeant-at-Arms: For Sergeant-at-Arms of the House of Representatives, \$4,500; deputy to the Sergeant-at-Arms, \$2,000; cashier, \$3,000; paying teller, \$2,150; bookkeeper, \$1,800; assistant bookkeeper, \$900; messenger, \$1,200; clerk in charge of pairs, \$1,400; page, \$720; and skilled laborer, \$840; in all, \$18,510."

And the Senate agree to the same.

Amendments numbered 17 and 18: That the House recede from its disagreement to the amendments of the Senate numbered 17 and 18, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

Office of Doorkeeper: For Doorkeeper, \$3,500; hire of horses, feed, repair of wagon and harness, \$900, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at \$2,000 each; 1 special employee (John T. Chancey), \$1,500; 1 special employee, \$1,500; clerk to Doorkeeper, and janitor, at \$1,200 each; 10 messengers, including the messenger to the reporters' gallery, at \$1,200 each; 13 messengers, at \$1,000 each; messenger to the Speaker's table, \$1,000; 14 messengers on the soldiers' roll, at \$1,200 each; 12 laborers, at \$720 each; 2 laborers in the water-closet, at \$720 each; 1 laborer, \$600; 8 laborers, known as cloakroom men, at \$50 per month each; 10 laborers, during the session, at \$60 per month each, \$4,180.00; female attendant in ladies' retiring room, \$720; superintendent of folding room, \$2,000; 4 clerks in folding room, 1 at \$1,800 and 3 at \$1,200 each; foreman, \$1,500; messenger, \$1,200; page, \$500; laborer, \$720; 9 folders, at \$900 each; 5 folders, at \$840 each; 18 folders, at \$720 each; night watchman, \$900; driver, \$600; 2 chief pages, at \$900 each; 33 pages, during the session, including 2 riding pages and 2 telephone pages, at \$2.50 per day each, \$17,407.50; 10 pages for duty at the entrances to the Hall of the House, during the session, at \$2.50 per day each, \$5,275; horse and buggy for Department messenger, \$250; superintendent of document room, \$2,000; assistant superintendent of document room, \$1,800; 6 assistants in document room, 1 at \$1,600, 2 at \$1,400 each, 1 at \$1,200, and two at \$1,000 each; in all, \$150,893.10."

On page 16 of the bill strike out lines 22 to 25, inclusive, and on page 17 of the bill strike out lines 1, 2, and 3 and insert in lieu thereof the following:

"For the following minority employees authorized and named in the resolution adopted by the House of Representatives December 7, 1899, namely: One special employee, \$1,500; 2 special messengers, at \$1,200 each; and 1 special chief page, \$900, and \$500 additional for services as pair clerk; in all, \$5,300."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with amendments as follows: On page 17 of the bill strike out lines 19 to 24, inclusive, and on page 18 of the bill strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, at \$50 per month, from March 4, 1901, until June 30, 1902, inclusive, \$796.67.

"Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatives at any time prior to July 1, 1902.

"Office of postmaster: For postmaster, \$2,500; assistant postmaster, \$2,000; 12 messengers, including messenger to superintendent transportation of mails, at \$1,200 each; 8 messengers, at \$100 per month each, during the session, \$5,574.16; and 1 laborer, \$720; in all, \$25,194.16.

On page 20 of the bill, strike out lines 7 and 8 and insert in lieu thereof the following:

"For packing boxes, \$3,218.40. And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same."

On page 20 of the bill, after line 18, insert the following as new paragraphs:

"Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

"It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

"It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

"No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

"The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

"The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

"It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,920;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant, \$1,400;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three assistants, at \$1,000 each;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$90,180;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant for evening service, \$1,200;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,400;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$71,300;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$300;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$70,945;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$94,230;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$148,329.44;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$55,960;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Two clerks;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$70,380;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$577,860;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$312,520;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty-one additional agents, to be appointed under the provisions of section 3 of said act, in lieu of the;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$550,000;" and on page 68 of the bill, after line 7, insert as a new paragraph the following:

"For compensation of the official authorized in section 12 of the act entitled 'An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 30, 1898, and to reduce taxation thereunder,' at the rate of \$3,000 per annum, until the close of the fiscal year 1902, \$4,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$206,880;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,640;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$38,140;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$52,320;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment, after the word "dollars," insert the following: "bookkeeper, \$1,600;" and in line 4 of the matter inserted by said amendment strike out the words "seven thousand six" and insert in lieu thereof the words "nine thousand two;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement



to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,000;" and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,000;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,000;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,000;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,000;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$161,050;" and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,200;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,920;" and the Senate agree to the same.

The action taken by the committee of conference and recommended in this report with reference to amendments of the Senate numbered 16, 17, 18, and 19, whereby new matter and certain provisions of law are inserted affecting the officers and employees of the House of Representatives, is based upon the authority expressed in the concurrent resolution of the two Houses, adopted February 27, 1901, and which is as follows:

*"Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses be authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives."*

HENRY H. BINGHAM,

J. A. HEMENWAY,

L. F. LIVINGSTON,

*Managers on the part of the House.*

W. B. ALLISON,

W. J. SEWELL,

H. M. TELLER,

*Managers on the part of the Senate.*

#### The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, relating to the employees of the Senate: Provides for such additional employees and at such rates of compensation as the Senate proposed by its amendments.

On Nos. 14 and 15: Provides for 5 additional Capitol policemen at \$900 instead of 6, as proposed by the Senate.

On Nos. 16, 17, 18, and 19, relating to the House of Representatives: Provides under the authority of a concurrent resolution of the two Houses for a reorganization of the employees under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, with the following results, compared with the bill as it passed the Senate, namely:

"In the Clerk's office: One librarian, reduced from \$2,000 to \$1,800; 2 assistant librarians, reduced from \$1,800 to \$1,600 each; 1 locksmith is reduced from \$1,440 to \$1,200; 1 cabinetmaker, \$1,200, created; 2 assistant cabinetmakers, at \$900 each, created; 2 messengers in House library, at \$1,314 each, omitted; 2 assistants, 1 in Clerk's office and 1 in disbursing office, at \$1,400 each, created; 3 laborers, at \$720 each, omitted; 3 assistants, 1 in library, 1 in document room, and 1 in stationery room, at \$900 each, created; 1 assistant index clerk at \$6 per day during the session, with average annual pay of \$1,539, omitted; 1 assistant index clerk, at \$1,500 per annum, created; for hire of horses and wagons and cartage for use of the Clerk's office the sum is reduced from \$900 to \$780; the net result is an increase of \$2,434.

"In the office of the Sergeant-at-Arms: It is proposed to omit from the Capitol police 1 private at \$900 and the \$500 additional heretofore paid for services in looking after pairs; provides for a clerk in charge of pairs at \$1,400; increases the compensation of the paying teller from \$2,000 to \$2,150;

increases the compensation of the laborer from \$360 to \$340; making a net increase of \$270.

In the office of the Doorkeeper: One messenger is provided for at \$1,200 in lieu of a folder in the sealing room, at same salary, dropped; 1 clerk in folding room at \$1,200 is provided for in lieu of a folder at \$900, dropped, who receives \$300 extra pay; 3 folders at \$720 each are provided for instead of 3 folders at \$700 each during the session; 2 telephone pages are provided for instead of 1 telephone and one telegraph page; 5 additional messengers, including one at the Speaker's table, at \$1,000 each are provided for; 10 pages for duty at the entrances to the Hall at \$2.50 per day each during the session are proposed, \$5,275; 20 janitors for committee rooms at rate of \$720 per annum each from December 1 next are recommended, \$14,400 per annum, or \$8,412 for balance of fiscal year from December 1, 1901; the salary of the assistant superintendent of the document room is reduced from \$2,000 to \$1,800; the salary of one assistant in the document room is increased from \$1,314 to \$1,400; 2 laborers at \$720 each are provided for instead of 2 messengers at \$70 per month each during the session; making a total proposed net increase of \$11,622.30.

Office of the Postmaster: Two additional messengers are provided for at \$1,200 each; 4 additional messengers during the session at \$100 per month each are provided for; 3 messengers during the session at \$800 each are omitted; 3 messengers have heretofore been authorized by resolution at each session at \$100 per month each. Net increase for Post-Office under the foregoing will be \$996.77.

Minority employees: Five hundred dollars is included as additional for one special chief page at \$900 for services as pair clerk. The salary of one laborer is reduced from \$720 to \$600 to conform to the pay of other cloakroom men.

The total apparent net increase under the foregoing reorganization amounts to \$15,403.07 on the face of the bill, or to \$21,391.07, if the salaries of the new committee janitors are reckoned for a whole year instead of for the seven months remaining of the fiscal year from the beginning of their term of service in December next. On the other hand, the claims for compensation for extra services recommended at this session, amounting to \$13,376.14, will be avoided in the future, and there will no longer be necessity for the usual provision for 15 extra folders at \$75 per month each during a long session of Congress, which for six months would amount to \$6,750; and by providing for the three skilled cabinetmakers as proposed the payments to the House carpenter, which for the past twelve months have amounted to more than \$4,000, will likewise be avoided. These three sums aggregate \$24,126.14, or nearly \$3,000 more than the whole proposed increase reckoned on the basis of a year.

The new positions provided for are: One cabinetmaker at \$1,200, and 2 cabinetmakers at \$900 each, under the Clerk; 5 messengers at \$1,000 each, and 10 pages at \$2.50 per day each during the session, under the Doorkeeper, and 20 janitors to committee rooms at \$720 each.

The following new provisions of law applying to the service of the House are proposed:

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same.

On Nos. 20 and 21: Fixes the salary of the chief clerk of the Government Printing Office at \$2,750, as proposed by the Senate, instead of \$2,500, as proposed by the House.

On Nos. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, relating to the Library of Congress: Fixes the salary of the Librarian's secretary at \$1,800, as proposed by the Senate, instead of \$1,500; of 1 clerk in the Librarian's office at \$900 instead of \$1,000, as proposed by the Senate; provides for additional assistants in the catalogue division as follows: One at \$1,800, 1 at \$1,500, 1 at \$1,400, and 2 at \$1,000 each; provides for the salary of 1 assistant in the reading room for the blind at \$1,000, as proposed by the Senate, instead of \$900; strikes out the proposed increase in the salary of 1 assistant in the manuscript division from \$720 to \$900; provides for an assistant in the law library for evening service at \$1,200 instead of \$1,500, as proposed by the Senate; strikes out the provision for a chief clerk in the copyright office at \$2,000; omits the appropriations of \$12,000 and the provision proposed by the Senate to open the Library



on Sundays; appropriates \$60,000 instead of \$50,000, as proposed by the House, and \$100,000, as proposed by the Senate, for increase of the Library; increases the compensation of the 2 attendants in the ladies' room from \$225 to \$480 each, as proposed by the Senate, of the 2 check boys from \$325 to \$360 each, of charwomen from \$180 to \$240, and of 1 assistant engineer from \$1,000 to \$1,200.

On Nos. 55, 56, and 57, relating to the Civil Service Commission: Strikes out the provision for an additional assistant messenger and provides for 2 firemen and 1 elevator conductor at \$720 each, and for 2 messenger boys at \$360 each, as proposed by the Senate.

On Nos. 58, 59, 60, 61, 62, and 63, relating to the Department of State: Provides for the salary of the chief clerk at \$3,000, as proposed by the Senate, instead of \$2,500; strikes out the provision proposed by the Senate for 1 additional chief of bureau at \$2,100; appropriates \$200 additional to the Chief of the Bureau of Accounts as disbursing clerk; provides for 3 additional clerks of class 1, and for a chief messenger at \$1,000 instead of a messenger at \$840.

On Nos. 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78, affecting the divisions of the office of the Secretary of the Treasury: Changes the title of locksmith to that of locksmith and electrician and strikes out the proposed increase of \$200 in his salary, omits the additional fireman for the Butler Building, provides for 2 law clerks at \$2,000 each instead of a clerk of class 4 and a clerk of class 3 in the division of customs, strikes out the proposed increase in the salary of the chief of the loans and currency division from \$2,500 to \$2,750, provides for an additional clerk of class 1 in the miscellaneous division, and strikes out the provision for an additional clerk of class 4 in lieu of 1 of class 3 in the office of disbursing clerks.

On Nos. 79, 80, 81, and 82: Provides for 5 temporary clerks at the rate of \$1,600 per annum each during the remainder of the current fiscal year to dispose of accumulated appeals in the office of the Comptroller of the Treasury.

On Nos. 83, 84, and 85: Provides for 1 additional clerk of class 4 in lieu of a clerk at \$900 in the office of the Auditor for the Navy Department.

On Nos. 86, 87, 88, and 89: Appropriates for 5 clerks of class 4 and 4 additional messengers, as proposed by the Senate, and for 25 laborers, at \$660 each, instead of 23, as proposed by the Senate, in the office of the Auditor for the Post-Office Department.

On Nos. 90, 91, 92, 93, 94, 95, 96, and 97: Fixes the salary of the deputy assistant treasurer at \$3,200 and of the assistant cashier at \$3,000 in the office of the Treasurer, as proposed by the Senate; provides for an additional chief of division at \$2,500, for 8 expert counters at \$720 each, for two additional pressmen at \$1,400 each, for 6 additional separators at \$660 each, and for 6 assistant messengers in said office, as proposed by the House, instead of 7, as proposed by the Senate.

On Nos. 98, 99, and 100: Strikes out the increase proposed by the Senate of 2 clerks at \$900 each to \$1,000 each in the office of the Register of the Treasury.

On Nos. 101, 102, and 103: Strikes out the increase proposed by the Senate of the salary of the bookkeeper from \$2,000 to \$2,100 in the office of the Comptroller of the Currency.

On No. 104: Strikes out the provision proposed by the Senate authorizing the use of \$500 of the appropriation, for services of experts, for the purchase of books, etc., for the Bureau of Statistics.

On Nos. 105, 106, and 107: Provides for the salary of the Chief of the Secret Service Division at \$4,000, as proposed by the House, and the chief clerk at \$2,500.

On Nos. 108, 109, and 110: Increases the salaries of the adjuster and the verifier in the office of construction of standard weights and measures from \$1,500 to \$1,800, as proposed by the Senate.

On Nos. 111, 112, and 113: Provides for a clerk of class 2 instead of a clerk of class 1, as proposed by the Senate, in the office of the Director of the Mint.

On No. 114: Makes the appropriation for collection of statistics relating to the annual production of precious metals applicable also to statistics of the consumption of precious metals.

On No. 115: Appropriates \$1,500, as proposed by the House, instead of \$2,500, as proposed by the Senate, for postage for the Treasury Department.

On No. 116: Appropriates \$9,394, as proposed by the Senate, instead of \$8,800, as proposed by the House, for rent of buildings for the Treasury Department.

On Nos. 117 and 118: Appropriates \$550,000, instead of \$650,000 as proposed by the House and \$400,000 as proposed by the Senate, for continuing the additional employees in the office of the Commissioner of Internal Revenue, restricts the number of additional agents to be appointed to 21 instead of 30, and provides for an official at the rate of \$3,000 per annum to conduct investigations to secure the efficient enforcement of the tax imposed upon legacies provided for in the new revenue act.

On Nos. 119 and 120: Provides for an additional assistant paying teller at \$1,500 in the office of the assistant treasurer at Chicago.

On Nos. 121, 122, 123, 124, and 125: Strikes out the proposed increase of \$250 in the salary of the cashier in the office of the assistant treasurer at Cincinnati; strikes out the provision for a paying teller at \$1,500 in place of a clerk at \$1,200, and the increase of the salary of the messenger from \$600 to \$720, and provides for a clerk and watchman at \$840 and a night watchman at \$900, instead of 2 night watchmen at \$720 each.

On Nos. 126, 127, 128, and 129: Provides for additional assistant tellers in the office of the assistant treasurer at New York, as follows: One at \$1,200 and 1 at \$900.

On No. 130: Appropriates \$60,000, as proposed by the Senate, instead of \$50,000, as proposed by the House, for contingent expenses of the mint at San Francisco.

On No. 131: Appropriates \$27,500, as proposed by the House, instead of \$30,000, as proposed by the Senate, for wages of workmen in the assay office at New York.

On Nos. 132, 133, and 134: Appropriates \$4,750 to continue the assay office at St. Louis, as proposed by the Senate.

On Nos. 135, 136, 137, 138, 139, and 140, relating to the office of the Commissary-General: Provides for a rearrangement of his clerical force, as proposed by the Senate, at a net increase of \$1,200.

On Nos. 141 and 142: Appropriates \$3,000, as proposed by the Senate, instead of \$1,500, as proposed by the House, for rent of the depot quartermaster's office of the War Department.

On Nos. 143 and 144: Strikes out the addition of 1 clerk of class 2, proposed by the Senate, in the office of the Naval Records of the Rebellion.

On Nos. 145, 146, and 147: Provides for a draftsman at \$2,000, as proposed by the Senate, and strikes out 1 additional clerk of class 3 in the Bureau of Equipment.

On Nos. 148, 149, 150, 151, and 152, relating to the Naval Observatory: Provides for a librarian at \$1,200 instead of \$1,400 as proposed by the Senate, and provides for 2 assistants, at \$1,000 each instead of 1 laborer at \$720 and 1 laborer at \$660, as proposed by the Senate.

On Nos. 153 and 154: Strikes out increase of salary for draftsman from \$1,000 to \$1,200, proposed by the Senate, in the Bureau of Steam Engineering, Navy Department.

On Nos. 155, 156, and 157: Strikes out provision for 1 clerk of class 2 instead of 1 clerk of class 1, proposed by the Senate, in the Bureau of Supplies and Accounts, Navy Department.

On Nos. 158, 159, 160, 161, 162, 163, 164, and 165, relating to the office of the Secretary of the Interior: Increases the compensation of the chief clerk \$250; provides for 2 additional special inspectors at \$2,500, 2 additional clerks of

class 4, 3 additional clerks of class 3, 5 additional clerks of class 2, 1 additional clerk of class 1, and 3 additional clerks at \$1,000 each, all as proposed by the Senate.

On Nos. 166, 167, and 168: Provides for 1 assistant attorney at \$2,750, instead of 1 assistant attorney at \$2,500, and an additional sum of \$250, as proposed by the Senate.

On Nos. 169, 170, 171, 172, 173, and 174, relating to the Indian Office: Provides for 1 additional clerk of class 3, 2 assistant messengers, 1 laborer, and 4 charwomen, and strikes out provision for 1 female messenger at \$840, all as proposed by the Senate.

On Nos. 175 and 176: Strikes out increase of salary of captain of the watch of the Pension Office building from \$840 to \$900.

On No. 177: Appropriates \$5,000, as proposed by the Senate, for equipment of the library rooms of the Patent Office.

On Nos. 178, 179, 180, and 181: Increases the salary of the Commissioner of Education, as proposed by the Senate, from \$3,000 to \$3,500, and strikes out the proposed increase in the salary of 1 specialist in educational systems from \$1,400 to \$1,600.

On Nos. 182 and 183: Strikes out the provisions proposed by the Senate permitting the purchase of newspapers and books for the Bureau of Education.

On No. 184: Provides for the continuance of the office of Commissioner of Railroads during the fiscal year 1902, as proposed by the Senate.

On Nos. 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201, relating to the offices of surveyors-general, as compared with the provisions therefor proposed by the House, provides for the following increases, namely: For clerks in Alaska, \$1,000; in Colorado, \$1,500; in Idaho, \$500; in Nevada, \$500; in Utah, \$1,000; in Washington, \$300, and in Wyoming, \$700; and increases the amount for contingent expenses of the office in Wyoming from \$1,000 to \$1,315.

On Nos. 202, 203, 204, 205, and 206, relating to the office of the Third Assistant Postmaster-General: Provides for 1 additional clerk of class 4 and 1 of class 1, and strikes out 1 additional clerk at \$1,000 and 1 assistant messenger proposed by the Senate.

On No. 207: Fixes the rate of per diem allowance of assistant superintendents of the registry system at \$4, as proposed by the House, instead of \$3, as proposed by the Senate.

On Nos. 208 and 209: Provides for 3 additional clerks at \$1,000 each in the office of the Fourth Assistant Postmaster-General, as proposed by the Senate.

On Nos. 210 and 211: Provides for an electrician for the Post-Office Department at \$1,400, as proposed by the Senate, instead of \$1,200, as proposed by the House.

On Nos. 212, 213, 214, and 215: Appropriates \$15,500, as proposed by the Senate, instead of \$15,000, as proposed by the House, for miscellaneous items for the Post-Office Department.

On No. 216: Strikes out the appropriation of \$8,000 proposed by the Senate for the employment of a competent lawyer to represent the United States before committees of Congress.

On Nos. 217, 218, and 219: Provides for a law clerk at \$2,000 instead of a clerk at \$1,600 in the office of the Solicitor of the Treasury, as proposed by the Senate.

On Nos. 220 and 221: Strikes out the increase proposed in the compensation of the reporter of the United States court for Hawaii from \$1,200 to \$1,500.

On Nos. 222, 223, and 224: Makes a verbal correction in the text and provides for the reporter of the court of appeals of the District of Columbia at \$1,200 instead of \$1,000, as proposed by the House, and \$1,500, as proposed by the Senate.

On No. 225: Appropriates \$250, as proposed by the Senate, for contingent fund for the commissioner's office of the Yellowstone Park.

On Nos. 226 and 227: Increases the compensation of the chief clerk of the Court of Claims from \$3,000 to \$3,500, as proposed by the Senate.

The bill as finally agreed upon appropriates \$24,000,753.85, being \$196,205.58 more than as it passed the House, \$78,753.53 less than the estimates, and \$425,101.32 more than the appropriations for the current fiscal year.

The appropriation for the temporary employees in the Bureau of Internal Revenue in connection with the act to provide for war expenditures was fixed in the bill as it passed the House at the amount provided for the current fiscal year, namely, \$650,000. In passing the bill the Senate reduced this amount to \$400,000 in order to bring the matter within the jurisdiction of the conference committee. The conference committee fixed the amount at \$550,000, that being the sum which it is estimated will be required for the service of the fiscal year 1902 under the provisions of the new revenue act which has been agreed upon by both Houses.

HENRY H. BINGHAM,  
J. A. HEMENWAY,  
L. F. LIVINGSTON,  
*Managers on the part of the House.*

Mr. HEMENWAY. Mr. Speaker, unless there is some inquiry to be made, I move that the report be adopted.

Mr. BAILEY of Texas. Mr. Speaker, I did not hear what the report was.

Mr. HEMENWAY. The report of the committee of conference on the legislative bill.

Mr. BAILEY of Texas. Is it a full agreement?

Mr. HEMENWAY. It is a full agreement.

Mr. BAILEY of Texas. Mr. Speaker, there is one matter I simply desire to call attention to; but if there is a full agreement I have no hope of correcting it now. If the gentleman will permit, I understand that in reforming the appointments in the House the conferees have placed the House library under the control of the Librarian of Congress. Is that true?

Mr. HEMENWAY. That is true. I will state, however, that the patronage of the House library will continue as heretofore, with this exception. The employees will be appointed by the Clerk, with the approval of the Speaker of the House, and after they have once been appointed they can not be removed without consent of the Committee on Rules.

Mr. BAILEY of Texas. Well, will that leave the library under the control of the House?

Mr. HEMENWAY. It leaves it under the control of the House.

Mr. BAILEY of Texas. My question was based on the fact that I have seen a statement in the public prints that the House library was put under control of the Librarian of Congress; and I hope that is a mistake.

Mr. HEMENWAY. I will state that the same provision that was



shown to the gentleman from Texas the other day is left in the bill. It is simply that the supervision of the books and the selection of the books is with the Librarian. He has no other power.

Mr. MOODY of Massachusetts. Read the gentleman the exact language.

Mr. HEMENWAY. I will read the gentleman the exact language of the provision:

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The Librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Mr. BAILEY of Texas. Mr. Speaker, I think it entirely proper to provide in this way for the appointment, but I have very serious doubt about the propriety of the House placing its library under the control of a gentleman who bears no relation to the House. The Librarian of Congress is now appointed by the President and confirmed by the Senate. The House, having once by law placed its library under his control, would find it necessary to enact a law to regain absolute control of it; and it appears to me an unwise provision for the House itself to share with the Senate and the President the control of its library. The Librarian of Congress is not responsible to the House; he is not an officer of the House, and to turn over to his supervision and control the library of this body seems to me of more than doubtful propriety.

Mr. HEMENWAY. I will state to the gentleman from Texas the only object of this is that the Librarian may select the books that go into this library; and I have no doubt if there is any member of Congress who desires a particular book in the library, and suggests it to the Librarian of Congress, that the book would be furnished. Why, the Public Printer simply prints upon the orders of the House; and I have no doubt the Librarian would furnish such books as members of the House desire. Now, the object of this provision is this: that we may have in the library such books as members of Congress desire; that we may have as near as possible a permanent force of competent men, who, when a member on the floor calls for a particular book, will be able to put their hands on it and give it to him.

Mr. BAILEY of Texas. That is all very desirable.

Mr. HEMENWAY. I think the Librarian of Congress is probably more competent to select the books for this library than anyone else. I have no doubt, as I said before, on the suggestion of any member that he desired certain books placed here in the library, that he would be pleased to put them there.

Mr. FITZPATRICK. Will the gentleman allow me to interrupt in this colloquy, and let us understand each other fairly. Does the bill mean to say that it gives arbitrary power to the Librarian of Congress or not?

Mr. HEMENWAY. I would say we will not give more power to the Librarian than we give to the Public Printer down here. He bears the same relation to the House that the Public Printer does.

Mr. MOODY of Massachusetts. May I suggest this fact. I agree with the gentleman from Texas that it would be unwise to part with complete control of the library. I suggest to the gentleman from Texas that by delegating this authority to the Librarian of Congress he becomes the servant of the House for that purpose. This designates a person who for the time shall be the servant of the House. And we very frequently do that in public law. For instance, in the case of the Commissioner of Immigration, the duty of looking after analogous public service—the Chinese restriction law; and I think that in giving this duty to the Librarian we do not give it to one who is not our servant, but we make some one ad hoc our servant for the purpose and duties with which we intrust him.

Mr. FITZPATRICK. Does the gentleman mean—

Mr. MOODY of Massachusetts. Permit me to finish the colloquy with the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY of Texas. The only trouble about that is this. Take this instance, while wholly improbable, not impossible: The House disagrees with the Librarian about the manner in which he manages that library. The House would have no power to withdraw its authority except by law. Now, what I should want, if I expected to remain a member of this House, would be authority, whenever dealing with any officer of the House who might transgress the rules of the House, that there should be ample power to remove him.

Mr. MOODY of Massachusetts. Practically it comes to that, because, as the gentleman from Texas knows very well, on any resolution relating to House affairs sent to the Senate they would agree to it, as we extend the same courtesy to them. I think there is no danger. I agree with the gentleman's view.

Mr. FITZPATRICK. Will the gentleman allow me?

The SPEAKER. The question is on agreeing to the conference report.

Mr. UNDERWOOD. One moment; I would like just a word.

Mr. HEMENWAY. I will yield to the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I would like to say a word on the amendment which is the provision in the conference report. That I understand provides all the officers of the House and reassigns the places and fixes the salaries of the House employees.

Mr. HEMENWAY. It does.

Mr. UNDERWOOD. Now, I want to say this: The report brought in here by the gentleman from Indiana may be very proper, and probably is, but the minority have not had any opportunity whatever to investigate this report and to consider it. I know in the closing hours of this session that we can not go into it intelligently now.

Mr. HEMENWAY. Let me suggest to the gentleman, right in connection with your statement, that on this special committee, appointed by the House, the minority was represented by the gentleman from Texas [Mr. BAILEY] and the gentleman from Nevada [Mr. NEWLANDS]. Every provision that is in this bill was submitted to Mr. BAILEY and to Mr. NEWLANDS, and from time to time I consulted with the gentleman himself as to the minority employees.

Mr. UNDERWOOD. If the gentleman will permit me, I do not think there will be any great difference. I will state yesterday afternoon the report was submitted to me. I was informed that it had to go back to the Senate within twenty minutes, and had to be passed on by the Senate in twenty minutes; and upon the question of the appointment of the employees of this House and the amount of salaries that they should receive, and as to whether we had too many or too few to perform the duties, I did not think we could do that in that time; and therefore I did not attempt to consider it.

Now, all I desire to say is this, that the House has by resolution provided a committee for the reorganization of the employees of the House, authorizing them to sit during recess, and therefore I think the minority members can very well allow this to go, notwithstanding the fact that they have had no real opportunity to investigate it. The gentleman from Indiana, and gentlemen on the conference committee on that side, have assumed this responsibility. We can not interfere with it now, and I merely wish it to go in the Record that we have not had a chance to investigate it.

Mr. HEMENWAY. The gentleman will understand that at this late day in the session, the agreement having been reached yesterday late in the day, and the report being a long one, there could be little opportunity upon our part to offer him a chance to investigate; and at the time the report went back to the Senate yesterday afternoon it was expected that the Senate would immediately act upon it, but they were delayed and did not act upon it as early as was expected.

Mr. UNDERWOOD. We do not propose to oppose the passage of the bill, but having had no chance to investigate it, I stated that we did not assume any responsibility in the matter, as we can not know what is in it.

Mr. HEMENWAY. I yield to the gentleman from Georgia ten minutes.

Mr. LIVINGSTON. Mr. Speaker, the employees of the House are cared for. There is \$500 added to the messenger who arranges the pairs on this side of the House, which takes him out of the deficiency bill hereafter and gives him a salary of \$900. That place is now filled by Mr. English. Another alteration is in regard to an employee in the cloakroom who now gets \$80, and he is reduced to \$50, which puts him on the same basis as the employees of the cloakroom on the right of the House. These are the only changes in the minority employees. Making the best analysis of changes I could, there are 14 places dropped and 25 created. That, however, does not include the 10 pages to be employed for the session nor the 20 janitors for committee rooms. There is one gentleman who has been on the roll who is employed now that has not been taken care of in this arrangement. I refer to Mr. McCloskey.

Mr. HEMENWAY. Let me suggest to the gentleman that he would have to be taken care of on the deficiency bill.

Mr. LIVINGSTON. I was going to suggest that that gentleman can be taken care of on the deficiency bill if the House proposes to continue his services. I want to say that the managers on the part of the House, I think, have succeeded very well in keeping down appropriations, or in reducing the appropriations in our dealings with the conferees or managers on the part of the Senate. I think the bill carries just about as small an amount of money as your managers on the part of the House could possibly secure at the hands of the Senate. We did our utmost to reduce the amount as low as possible.

Mr. HEMENWAY. I now yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as suggested by the gentleman from Alabama [Mr. UNDERWOOD], it is unfortunate that we have to vote upon these very important provisions without an opportunity to know what they are. It is unfortunate, I think, that the work of preparing the legislation in regard to the employees of the House was not left to the committee to be provided under the resolution which the House adopted a day or two ago. I hope that the mem-



bers of the committee, headed by the gentleman from Massachusetts [Mr. Moody], have been given an opportunity to inspect this legislation, and that they are cognizant of it fully, and that it has their approval or disapproval. It seems to me, from what I can gather, that the main effect of the legislation is to provide that the employee under the present regulations who gets, say, \$900 in the regular way and \$300 or \$400 in the deficiency bill, will get the increase at once as a matter of course, and in the regular course, instead of by indirection.

It seems to me, as I gather from the reading by the Clerk of the new provisions, that the thought of keeping down salaries to what would be a reasonable limit, that the possibility of reducing instead of increasing the number of employees in the House, have had but little consideration, if any, in this committee.

Mr. HEMENWAY. I will state to the gentleman that the result of the reorganization is a net reduction of \$3,000.

Mr. DE ARMOND. That is, with the amounts allowed in the deficiency bill?

Mr. HEMENWAY. Yes; for extra pay.

Mr. DE ARMOND. Well, it seems to me, Mr. Speaker, that if we were desirous of making reductions we could go much further. The gentleman from Georgia has suggested that care has been taken of minority employees. The one thing, it seems to me, which care has not been taken of is the interests of the people who pay the minority employees as well as the majority employees. I do not believe that 357 or 400 employees in this House (secretaries to members not included) are at all necessary. I believe that one-half the number, or less than half the number, if properly selected and under proper discipline, would render more efficient service.

Mr. KING. Does the gentleman from Missouri state that there are 357 employees connected with this House?

Mr. DE ARMOND. That was the report of the special committee.

Mr. KING. And with such a report as that does the gentleman mean to say that this committee has not recommended a reduction?

Mr. DE ARMOND. I understand the number has been increased instead of lessened. It does seem to me that this is a rash way of legislating. While I make no question of the good intentions of anybody, and could not with the lack of knowledge I have, which must be shared by every other member of the House, it seems to be possible, at least—I will not put it more strongly—that we may discover after the new provisions have gone into law that we have crystallized and anchored abuses in the law, while taking away some objectionable features of the system that have prevailed, those of "addition, division, and silence."

Now, Mr. Speaker, I wish we could have a separate vote upon this. I wish the matter could be so arranged that it could have the consideration of the House in something approaching an intelligent manner. This emphasizes what I think is an exceedingly bad practice—that of putting onto appropriation bills legislation of vast importance, of the propriety and effect of which no member of the House not upon the conference committee can have anything like a fair or adequate conception. It ought not to be done; it is not the way to do, and instead of removing abuses we are perpetuating them.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HEMENWAY. I yield to the gentleman one minute more in order to make a suggestion. I want to make a suggestion that in the Missouri legislature there are more employees than we have in the House of Representatives.

Mr. DE ARMOND. I want to suggest to the gentleman that he is entirely mistaken in his illustration. Will the gentleman be kind enough to direct the line of his suggestion to the territory where he probably knows something about things, and not to that of which he does not know. How about the Indiana legislature?

Mr. HEMENWAY. There are a great many more there than there ought to be. Did not the Democratic candidate for governor admit that there were more than 400 employees under the Missouri legislature, and did not the Republican governor claim that there were more than 500?

Mr. DE ARMOND. I do not know about the details of that. The Missouri legislature at times when the gentleman's party was in control had more employees and paid at a far higher rate of compensation than public interests would permit or require.

But the suggestion of the gentleman in regard to the legislature of Missouri has nothing at all to do with the kind of legislation that we have here now—legislation in regard to which there is no possibility in knowing what it is; legislation that may be all right—I do not say it is not—but legislation that the House can not understand; legislation that the House will enact, if it does enact it, in the dark, and by this process, so much resorted to, putting upon appropriation bills and carrying through with the appropriation bill as a vehicle measures which could become law by no other agency and which by no process of reasoning could be justified as law.

What I have suggested is—and I come right to the point—the

unfortunate state of affairs is that upon matters of so much importance as these we are to legislate in the dark, and that this committee has seen proper to take the place of the committee to be appointed by the Speaker of the House to consider intelligently this subject for such time as they desire and make their recommendations.

I believe, and I think it will be found to be true, that this legislation will fasten upon the House, with its approval, the employment of far more employees than are needed to discharge the business of the House and at a much higher rate of compensation than is necessary. At least it will forestall the intelligent investigation to be made under the order of the House by a committee appointed by the Speaker; and in that respect it is objectionable.

I for one, inasmuch as I must vote in the dark in this matter, with no more information than can be gathered by trying to listen to the hurried reading of the clerk—inasmuch as it is impossible for anybody, unless he has been upon the conference committee, to know whether this is right or wrong, good or bad—I for one being compelled to vote in the dark—recognizing this method of legislation as very objectionable and usually very bad in its results—shall vote against the adoption of this conference report.

Mr. HEMENWAY. In comparison with the number of employees in the Missouri legislature, which I am informed is larger than the number in this House, I suggest to the gentleman from Missouri that this provision, notwithstanding his lack of knowledge, is a good one.

Mr. FITZPATRICK. I would like to put a question to the gentleman from Indiana [Mr. HEMENWAY]. When I am asking a question, simply and purely for information, as to whether this measure will place absolute power in the hands of one officer, whoever he may be, does the gentleman think that it is a fair answer to refer to the fact that possibly outrages are perpetrated in the printing and folding departments?

Mr. HEMENWAY. I have answered that question.

Mr. CORLISS. I wish to ask whether this provision does not create a life position, the incumbent to hold it indefinitely unless removed for cause?

Mr. HEMENWAY. The gentleman is referring to the librarian?

Mr. CORLISS. Not only the librarian of the House, but his three assistants. The provision certainly creates life positions.

Mr. HEMENWAY. The object of the provision is to secure in the library competent men, so that when a gentleman on his feet perhaps in the House making a speech desires some information—desires a book from the library—there will be some one there who can put his hand on the volume which is wanted and have it sent here promptly when called for.

Mr. CORLISS. But this creates life positions.

Mr. HEMENWAY. No; not necessarily.

Mr. CORLISS. Is there any limitation in this measure with reference to the length of tenure?

Mr. HEMENWAY. The appointments are to be made by the Clerk.

Mr. CORLISS. And the incumbents can not be removed except for cause during life. Is not that true?

Mr. HEMENWAY. That is true.

Mr. CORLISS. I certainly think that is an outrage on the House.

Mr. HEMENWAY. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, for many Congresses the library of the House of Representatives has been a library in name only—a place for incompetency—where the employees substantially have simply drawn their salaries without any intelligent service, and where what little service we have had has been from one, and sometimes two, employees drawing inferior salaries. There ought to be a provision which would give permanency of employment to competent people in the library, where competent service is required, and frequently required on the instant.

Mr. HOPKINS. Suppose you should get an incompetent man in that life position, then where are you?

A MEMBER. He can be removed for cause.

Mr. CANNON. Oh, there will be no trouble about removing an incompetent man, if such a one should get the position. But the man is appointed with the approval of the Speaker.

Mr. CORLISS. Gentlemen say the officer can be removed for cause. For what cause can he be removed? This is an act of Congress, and will give the legal incumbent a right to the office until removed for cause, and there is no cause set forth.

Mr. CANNON. Well, I will say blindness would be a cause; senility would be a cause; incompetency would be a cause.

Mr. CORLISS. That is your interpretation?

Mr. CANNON. There are a thousand possible causes; nobody could specify all of them.

Mr. HEMENWAY. The Committee on Rules would determine the cause.

Mr. CORLISS. You do not provide who shall exercise the power of removal.



Mr. HEMENWAY. Oh, I beg to differ with the gentleman. The officer to be appointed by the Clerk with the approval of the Speaker.

Mr. CORLISS. But there is no power to remove him.

Mr. HEMENWAY. Certainly there is. He can be removed whenever sufficient cause is presented to the Committee on Rules. Whenever the Committee on Rules thinks that the officer is not competent, that is cause enough and he goes out.

Mr. CORLISS. There is no such provision.

Mr. HEMENWAY. Oh, yes, there is.

Mr. CORLISS. I submit that there ought to be a defined tenure of office. We do not want life positions created anywhere.

Mr. HEMENWAY. I read from the provision of the amendment:

And thereafter no removals shall be made from the said position except for cause reported to and approved by the Committee on Rules.

The Committee on Rules is to determine whether the officer is competent. If at any time a member asking for a book should find that the employee in the library is incompetent, he would immediately say to the Committee on Rules: "This man is not competent; he does not know where to find a book which is wanted." I have no doubt if the charge was sustained the Committee on Rules would at once say: "That is a sufficient cause for his removal."

Mr. CORLISS. I have not been very successful myself in obtaining action from the Committee on Rules. [Laughter.] Therefore I think we had better have some limitation upon this power.

Mr. RICHARDSON of Tennessee. I would like to occupy a few minutes.

Mr. HEMENWAY. I will yield to the gentleman for three minutes.

Mr. RICHARDSON of Tennessee. As I understand, the provision now reported with respect to employees in the House library is an effort to make the tenure of office of those employees more permanent. Is that true?

Mr. HEMENWAY. That is the object.

Mr. RICHARDSON of Tennessee. How many of these employees are there?

Mr. HEMENWAY. Four.

Mr. RICHARDSON of Tennessee. Now, it is proposed to fix their tenure of office by law, making it to that extent permanent. I understand they must be removed for cause, with the consent of the Speaker.

Mr. HEMENWAY. No; the Committee on Rules.

Mr. RICHARDSON of Tennessee. Well, the Committee on Rules, presided over by the Speaker. Now, that is right. I believe that all the officers and employees of the House should have some permanent tenure to the extent of enabling them to stay here until they learn their duties. They ought not to be changed so often. But the objection which I make in this case is that you extend this permanent tenure to these library employees when you on the other side have all four of the officers.

Mr. HEMENWAY. No doubt that is true. I will ask the gentleman right there—

Mr. RICHARDSON of Tennessee. One moment. You are entitled to it, and you need not expect them to be permanent if the opportunity comes to change, when they are all of one party; because there has never been any civil service in this Government that has been absolutely fair.

Now, what I would suggest to the gentlemen would have been, when they were making these appointments, they should divide these offices when you are undertaking to make a permanent establishment, so that there would be no political inducement to make these changes. In other words, you can not so arrange it that there will not be found cause to remove a man when all the employees of that special bureau belong to any one political party.

Mr. HEMENWAY. I want to say to the gentleman that I have no doubt that if the Democrats secure control of the House—and I hope they never will—that the Committee on Rules will soon find a cause for the removal of the four—

Mr. RICHARDSON of Tennessee. No, that would not be right; and I would not insist on that, where there is a law to protect them.

I would not ask a total violation of the law upon any kind of a pretext; but you will always find that there will be some way by which they will get a part of them, and that you may not expect human nature will ever get so perfect and pure that men will not claim their share; and it would have been a great deal better in undertaking to make a permanent roll that they should have been equally divided between the two parties.

Mr. HEMENWAY. While the Republicans are in control of Congress, this will no doubt result in continuing the same force, if they are competent librarians; and I have no doubt should the Democratic party control for ten years, and have four competent men, it would keep them for the ten years.

The SPEAKER. The time of the gentleman has expired.

Mr. HEMENWAY. I move the adoption of the conference report.

Mr. HEPBURN. I desire to make a point of order.

The SPEAKER. Does the gentleman yield to the gentleman?

Mr. HEMENWAY. Does the gentleman desire to ask a question?

Mr. HEPBURN. I desire to make a point of order. Mr. Speaker, all points of order were reserved on the bill.

Mr. HEMENWAY. I do not yield to the gentleman for that purpose.

Mr. HEPBURN. I think the gentleman will have to yield.

Mr. HEMENWAY. If I do, I will be very glad to; but I decline to yield for that purpose.

The SPEAKER. The Chair must hear the point of order.

Mr. HEPBURN. Mr. Speaker, my point of order is that the amendment in the report of the committee is not germane to the amendment, and that it is a recommendation of a usurpation on the part of the conference committee of a subject-matter in their report not having been referred to them, and there being no disagreement between the two Houses upon that subject.

Mr. HEMENWAY. If the gentleman will permit me there—

Mr. HEPBURN. I decline to yield to the gentleman for that purpose. [Laughter.]

The SPEAKER. Let the gentleman state his point of order.

Mr. HEPBURN. Amendment No. 16 reads as follows: The Senate strikes out of the resolution "February 2, 1901." That is the entire amendment. There is no addition, and the only disagreement between the two Houses is whether or not the House will consent to the striking out of those words.

Mr. MOODY of Massachusetts. Will the gentleman yield to a suggestion?

Mr. HEPBURN. Yes.

Mr. MOODY of Massachusetts. The gentleman must have been absent when the House unanimously, on my motion, conferred upon the conference committee authority to deal with this whole subject.

Mr. HEPBURN. What whole subject?

Mr. MOODY of Massachusetts. The whole subject of House employees. It was on an action of the special committee, reporting a concurrent resolution reported by the committee of which I was chairman.

Mr. HEPBURN. That perhaps would justify the committee in a portion of their report. If I could have the report a moment I would call the attention of the Chair to it.

Mr. HEMENWAY. I call the attention of the gentleman to the last page.

Mr. HEPBURN (reading):

That the committee is authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives.

Now, the first portion of the recommendation of the committee refers to certain officers of the House, and my friend—

The SPEAKER. The Chair will have to interrupt the gentleman from Iowa, as our time is very precious. In the first place, no reservation of any points of order was made upon this legislative bill report.

Mr. HEPBURN. I think I distinctly heard a gentleman; I was rising to make that reservation.

The SPEAKER. The Clerk states that is not the case. It was upon the sundry civil bill, made by the gentleman from Indiana [Mr. ROBINSON], but not on this bill. Secondly, if the point had been reserved against the report it is too late to bring it up as to this particular part of the report, because it has been under consideration for some time.

Therefore the reservation of the point of order would not protect the gentleman from Iowa if he allows a discussion to proceed and then waits to bring up his point of order. In the third place, as called to his attention, this matter was absolutely referred to the conferees on the legislative bill, with full power. Therefore the Chair is compelled to overrule the point of order.

Mr. HEPBURN. It is on the question of fact that I desire to dispute with the Chair. I find no authority to transfer the library.

The SPEAKER. The Chair overrules the point of order.

Mr. HEPBURN. The Chair can do that.

The SPEAKER. The question is on agreeing to the report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HEPBURN. Division.

The House divided: and there were—ayes 82, noes 41.

So the report of the committee of conference was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the conference report was agreed to, was laid on the table.

RAILWAY THROUGH THE FORT ONTARIO MILITARY RESERVATION.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The Clerk read as follows:

A bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation in the State of New York, to the Oswego and Rome Railroad Company.

*Be it enacted, etc.,* That the Secretary of War be, and he hereby is, authorized and empowered to grant to the Oswego and Rome Railroad Company, a corporation organized and existing under the laws of the State of New York, its successors and assigns, the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, said right of way to be a strip of land of sufficient width of each side of the center line of the railroad of said Oswego and Rome Railroad Company, as the same is now located and constructed across the northerly and westerly portions of said military reservation, to enable said company to properly and efficiently operate said line of railroad.

SEC. 2. That the Secretary of War shall have power to impose such terms, conditions, restrictions, and limitations as he shall deem advisable in said grant of right of way, and shall have power from time to time to make and enforce such reasonable and necessary rules and regulations concerning the operation and maintenance of said line of railroad across said military reservation as he may deem necessary for the proper protection of the interests of the United States in the use of said military reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### PUBLICATION OF SUPPLEMENT OF REVISED STATUTES.

Mr. BARBER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes.

The bill was read, as follows:

A bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes.

*Be it enacted, etc.,* That the publication of the Supplement to the Revised Statutes, embracing the statutes, general and permanent in their nature, passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, and citations of judicial decisions, be continued and issued in one volume, to include the general laws of the Forty-third to the Fifty-sixth Congresses, inclusive, with a table of alterations and a general index to the whole, to be prepared and edited by the editors of the current part of the existing Supplement, authorized by the act of February 27, 1893, chapter 167, Supplement to the Revised Statutes, volume 2, page 91, and the act of January 12, 1895, chapter 23, section 73, Supplement to the Revised Statutes, volume 2, page 354, and the act of June 4, 1897, chapter 2, Statutes at Large, volume 30, page 30, and to be known as Supplement to the Revised Statutes, volume 1, 3d edition, 1874 to 1901, to be stereotyped at the Government Printing Office, using the present plates, as far as practicable, with such alterations as may be found necessary, the work and plates and all right and title therein and thereto to be in and fully belong to the Government for its exclusive use and benefit.

SEC. 2. That a sufficient number of copies be printed and bound for distribution, and to be distributed to members of Congress for themselves and for distribution by them, and to the departments, libraries, public officers, and others, the same number to each as heretofore provided by Congress for the distribution of the pamphlet copies of the statutes of each session of Congress as provided by the act of January 12, 1895, section 73, chapter 23, Supplement to the Revised Statutes, volume 2, page 354, and the same number to each of the editors as to a member of Congress, and such additional copies on the order of the Secretary of State as may be necessary from time to time to supply such number as may be certified by the head of any department to be required for the use of his department, and for offices newly created, and for keeping for sale in the same manner and like terms as the Revised Statutes are required to be kept for sale. For preparing and editing said supplement, including the legislation of the Fifty-sixth Congress, and the indexing and all clerical work necessary fully to complete the same, there shall be paid to said editors the sum of \$6,000.

SEC. 3. That the publication herein authorized shall be taken to be prima facie evidence of the laws therein contained, but shall not change or alter any existing law or preclude reference to or control, in case of any discrepancy, the effect of any original act passed by Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. Without objection the amendment to the title will be agreed to.

There was no objection, and it was so ordered.

On motion of Mr. BARBER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. CARTER, and Mr. HEITFELD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 85.

*Resolved by the House of Representatives (the Senate concurring),* That there be printed from the stereotype plates in the Government Printing Office 6,000 copies of House Document No. 336, Fifty-sixth Congress, second session, entitled "A report on the work and expenditure of the Agricultural Experiment Stations for the year ended June 30, 1900," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

#### PRIVILEGE OF SEVENTH SECTION OF IMMEDIATE-TRANSPORTATION ACT.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5022.

The Clerk read as follows:

A bill (S. 5022) to extend the privileges of the seventh section of the immediate-transportation act to Fall River, Mass.

*Be it enacted, etc.,* That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to the port of Fall River, Mass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### OFFICERS OF NAVY AND MARINE CORPS TO ADMINISTER OATHS.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1632.

The Clerk read as follows:

A bill (S. 1632) to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895.

*Be it enacted, etc.,* That the act entitled "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895, be, and is hereby, amended so as to read as follows:

"That judges-advocate of naval general courts-martial and courts of inquiry, and all commanders in chief of naval squadrons, commandants of navy-yards and stations, officers commanding vessels of the Navy, and recruiting officers of the Navy, and the adjutant and inspector, assistant adjutant and inspector, commanding officers, and recruiting officers of the Marine Corps be, and the same are hereby, authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REGISTRATION OF NAMES OF PERSONS ENGAGED IN TRANSPORTATION BUSINESS.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13109.

The Clerk read as follows:

A bill (H. R. 13109) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business.

*Be it enacted, etc.,* That any person, firm, or corporation incorporated under the laws of the United States, or of any of the States or Territories thereof, engaged in transportation, for hire, of passengers, goods, merchandise, and other property between any of the States of the United States, or between the United States and any of its possessions, or in foreign commerce, or in any or all thereof, may register the trade, firm, or corporation name under which such business is conducted in the Patent Office by complying with the provisions of this act and with such rules and regulations not inconsistent with this act as the Commissioner may make.

SEC. 2. That the application for such registration of such name must be accompanied by a written declaration, verified under oath, that such person, firm, or corporation is engaged in the transportation, for hire, of passengers, goods, merchandise, and other property between the States of the United States, or between the United States and any of its possessions, or in foreign commerce, or in any or all thereof, and has at that time the right to use the name sought to be registered, and that no other such person, firm, or corporation has, since the date of the passage of this act, acquired the use of such name in the identical form of or in such near resemblance thereto as may cause confusion or mistake and be calculated to deceive. In case of several applications for registration of the same name or of names of such near resemblance as aforesaid which have been in use prior to the passage of this act, the Commissioner shall and may determine which applicant for registration first used such name, and, upon compliance with the terms of this act, shall allow the registration of such name by such applicant and by no other.

No name shall be registered which is merely a surname, or which is identical with another registered name, or is in such near resemblance thereto as may in use cause confusion or mistake and be calculated to deceive. Each application for such registration shall be accompanied by a fee of \$25, which shall cover the expense of examining the application, registering the same, and issuing a certificate therefor.

SEC. 3. That the certificate of registration of such name shall be issued in the name of the United States of America under the seal of the Patent Office



and be signed by the Commissioner of Patents, and the record thereof, together with printed copies of the application, shall be kept in books in the Patent Office, and such certificate of registration shall be evidence in any suit in which such name shall be brought into controversy.

SEC. 4. That such registration shall vest in such person, firm, or corporation, their successors or assigns, the exclusive right and privilege to use such registered name.

SEC. 5. That the registration of such name in the Patent Office shall be prima facie evidence of the ownership, and any person, firm, or corporation who shall imitate such name as registered in the Patent Office under this act shall be liable to an action for damages for the wrongful use of the said name at the suit of the owner thereof, and the party aggrieved shall also have the right, according to the course of equity, to enjoin the wrongful use of such name and to recover damages therefor in any court having jurisdiction of the person, firm, or corporation guilty of such wrongful act, and courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount of damages in controversy.

SEC. 6. That any person, firm, or corporation who shall procure the registry of the name in the Patent Office by a false or fraudulent representation or declaration, orally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof by the injured party, to be recovered in an action on the case.

SEC. 7. That this act shall take effect on and after the 1st day of July, 1901.

Mr. SULZER. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Pennsylvania if this bill has been reported from a committee?

Mr. ADAMS. It has been reported from the Committee on Interstate and Foreign Commerce.

Mr. SULZER. It seems to me that this bill should have gone to the Committee on Patents. That is the proper committee.

Mr. ADAMS. It was referred to the Committee on Interstate and Foreign Commerce, and reported out of that committee. It relates to firms and corporations trading between the different States. It is limited to that. This matter is protected in the State courts, but this is to make it effective throughout the United States.

Mr. SULZER. Does not the patent or trade-mark law at the present time protect the trade-marks of firms, individuals, and corporations? Why should there be further legislation?

Mr. ADAMS. That is the object of this bill, to put it on a par with the law as to patents and trade-marks. It follows the act in reference to trade-marks and patents, and was submitted to the Commissioner of Patents, who makes a favorable report and shows the analogy between the two questions, and he advises and urges the passage of the bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object.

Mr. ADAMS. I hope the gentleman will not object.

The SPEAKER. Objection is made by the gentleman from Mississippi.

Mr. ADAMS. I hope the gentleman will withdraw his objection.

Mr. WILLIAMS of Mississippi. This is offering the general trade law of the country for the benefit of some private concern. If they were protected by the general law they would have no need of the bill. I object.

#### BRIDGE ACROSS THE CUMBERLAND RIVER AT NASHVILLE, TENN.

Mr. GAINES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14238) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS of Mississippi. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if this is an ordinary bridge bill, with the ordinary language.

Mr. GAINES. Yes; approved by the Secretary of War, and has the unanimous report of the Committee on Interstate and Foreign Commerce.

Mr. WILLIAMS of Mississippi. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Speaker, I shall not object to this bill, but I desire to call the attention of the House to the fact that this is the third bridge bill that has passed to-day, evidently coming from our Committee on Interstate and Foreign Commerce, which does not contain the reservation that the bridge shall be a post road. I desire to call the attention of the House to the danger in the closing hours of Congress in passing these bills in this manner. I do not care whether they reserve them for post roads or not, but I desire to call to the attention of the House that these reservations are not made here as they are when the House is in its sober senses.

Mr. PAYNE. I want to suggest, Mr. Speaker, that if the gentleman from California had proposed such an amendment to any bill the House would not have opposed it.

Mr. LOUD. I have not the language in my head of that amendment. Personally I do not care.

Mr. GAINES. This is to be a free bridge for everybody; there is no toll to be exacted.

Mr. HEPBURN. I will say these provisions were not placed in the bill because it is to be a free bridge.

Mr. LOUD. But what would the gentleman say in relation to the bridge across the Monongahela River which the gentleman from Pennsylvania brought up this morning? This is the third bill of the kind to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. GAINES, a motion to reconsider the last vote was laid on the table.

#### PRISONERS CONVICTED IN CONSULAR COURTS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13396) to amend section 5546 of the Revised Statutes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 5546 of the Revised Statutes be amended by adding after the words "any court of the United States" the words "including consular courts," and after the words "District or Territory" by adding the words "or country," and after the words "where the conviction has occurred" by adding the words "and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals;" so as to read:

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, including consular courts, whose punishment is imprisonment in a District or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney-General out of the judiciary fund.

"But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment: *Provided, however,* That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner or some one in his behalf."

Mr. RICHARDSON. Mr. Speaker, it is almost impossible in hearing a bill of this character read to understand it. It seems to me it is pretty far-reaching. I do not like to object to a bill of a general character like this, but unless the gentleman has some good reason for taking it up by unanimous consent I shall have to object. I would like to hear from the gentleman what the scope of the bill is.

Mr. LITTLEFIELD. Mr. Speaker, this bill simply confers upon the Government the same power with reference to transferring prisoners under conviction and in confinement by consular courts that the Government now possesses with reference to Territories and the District of Columbia. It is merely a matter of convenience on the part of the Government in the proper confinement and punishment of criminals. It is asked for by the Department of State.

They now have in confinement in Korea, for instance, one life convict who is held in prison with great inconvenience and much insecurity. It is very desirable that he should be removed to some safe penitentiary. The Attorney-General is anxious to have the bill passed in order to confer upon the Government such power with reference to convictions in consular courts that it now has in connection with convictions in other United States courts.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

#### DELIVERY OF CERTAIN IONIC COLUMNS TO THE MAYOR AND CITY COUNCIL OF BALTIMORE, MD.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13776) authorizing and di-



recting the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the mayor and city council of Baltimore, in the State of Maryland, the 12 columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. DENNY, a motion to reconsider the last vote was laid on the table.

#### IMPROVEMENT OF PIGEON RIVER, MINNESOTA.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14128) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Pigeon River Improvement, Slide, and Boom Company, a corporation organized and existing under the laws of the State of Minnesota, be, and hereby is, authorized, under such rules and regulations and subject to such conditions and limitations as the Secretary of the Interior may prescribe, to enter upon and improve the Pigeon River at what is known as the cascades of said river, for the purpose of making said river at said point navigable for floating logs, and to that end to enter upon the unallotted lands, and, with the consent of the allottees, upon any allotted lands, adjacent to said cascades, of the Grand Portage Indian Reservation, in said State, and to construct such sluice dams, wing dams, bulkheads, spill dams, and other works necessary for said purpose, and to take from said unallotted lands timber for the construction of said improvements and works in quantity not to exceed 125,000 feet, board measure, for which timber said company shall pay such price as may be agreed upon between said company and the Secretary of the Interior, but not less than \$5 per thousand feet, board measure, the proceeds to be placed in the Treasury of the United States to the credit of the Chippewa Indians in Minnesota: *Provided*, That said river after being so improved shall be open at all times to the free passage of all timber cut from said Grand Portage Indian Reservation, and to the passage of all other timber upon such terms and conditions as the Secretary of the Interior may prescribe.

The following committee amendments were read:

Strike out all after the word "Reservation," in line 14 of page 2, and insert the following: "and to the passage of all other timber for a reasonable charge therefor."

Add at the end of the bill the following:

"*Provided further*, That suitable fishways shall be constructed and maintained by said company, to be approved by the United States Fish Commissioner."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask what committee reported this bill.

Mr. MORRIS. I will say to the gentleman from Tennessee that the object of this bill is only for the purpose of enabling these parties to go upon the Indian reservation and improve this stream so as to admit of the passage of saw logs.

If the Indian reservation were not adjacent to these cascades, it would not be necessary to come to Congress at all in relation to this matter; the power would exist without additional legislation. But the Indian reservation being adjacent, it is necessary to get permission to go upon the Indian reservation and cut this small amount of timber—only 125,000 feet; and provision is made for payment, under the supervision of the Secretary of the Interior, at a minimum price of \$5 per thousand feet—a high minimum, I will say—so that the logs which may be cut thereafter on the Indian reservation would come down free through these cascades.

Mr. RICHARDSON of Tennessee. Has the bill been submitted to the Secretary of the Interior?

Mr. MORRIS. It has been submitted to the Commissioner of Indian Affairs and to the Secretary of the Interior, and is recommended by both of them. It has also been unanimously reported by the Committee on Indian Affairs, before whom I appeared and explained the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORRIS, a motion to reconsider the last vote was laid on the table.

#### JAMES A. HUTTON.

Mr. NEWLANDS. I ask unanimous consent for the consideration of the bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army.

The bill was read, as follows:

*Be it enacted, etc.,* That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James A. Hutton, late a captain of infantry in the Army of the United States, to the position of captain of infantry, at the foot of the list of captains therein, the list of captains of the infantry arm of the service being increased to that extent until a vacancy shall occur; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Hutton shall receive no pay or allowances of any kind for the period between the

date of his dismissal and date of his appointment under the provisions of this bill.

The SPEAKER. Is there objection?

Mr. RAY of New York. I reserve the right to object. I would like to hear some reason for the passage of this bill.

Mr. NEWLANDS. Mr. Speaker, Captain Hutton was a graduate of West Point and was commissioned in the Regular Army. He was dismissed from the Regular Army in 1894 for absence without leave and disobedience of orders. Later on he volunteered in the late Spanish war and was appointed a second lieutenant in a California regiment.

He was ordered to the Philippine Islands, where he rendered very distinguished service upon the staff of General King, the staff of General Wheaton, and the staff of General Anderson; and these officers, as I understand, all recommend his restoration to the Army on the ground of distinguished and courageous service in the Philippines.

Mr. RAY of New York. Then, as I understand, this man has redeemed himself by his subsequent conduct, so that it is now thought proper to authorize his reappointment to the Army, which the President can not make without this bill?

Mr. NEWLANDS. The President can not do it without this bill; and the conduct of this officer ever since his dismissal has been, according to the testimony of numerous officers, unexceptionable.

Mr. RAY of New York. I have no objection.

Mr. SULZER. Mr. Speaker, just a few words. I wish to say that this matter has been carefully examined by the Committee on Military Affairs, and the Committee unanimously recommend the passage of the bill. It is a very worthy case. As the gentleman from New York [Mr. RAY] has expressed it, Captain Hutton has redeemed himself, and in my judgment is entitled to this relief. He is a brave and gallant soldier, and has made a splendid record. I hope there will be no objection.

Mr. BROMWELL. How old is he?

Mr. NEWLANDS. I should judge about forty-five.

Mr. BROMWELL. And he is not eligible to appointment in the Regular Army under the provisions of the act recently passed?

Mr. NEWLANDS. No, sir.

Mr. BROMWELL. What was the cause of his discharge from the Army?

Mr. NEWLANDS. Absence without leave and failure to obey an order commanding him to report. With reference to that point, I wish to say that I have carefully looked over all the testimony given before the court-martial on whose finding he was dismissed; and the conclusion of that court seems to me to have been very, very severe.

The case has been looked into most carefully by both the Senate committee and the House committee. The Senate committee took it up a year ago, and were then in favor of recommending the restoration of this officer, but concluded to let the matter rest until the present session in order to obtain reports concerning his character and conduct meanwhile. The testimony has now come from officers of the Army high in standing, stating that his conduct and character have been unexceptionable, and the result is these favorable reports by both committees.

I will state further that two distinguished officers of the Army who had been in the Philippine war—Lieutenant-Colonel Edwards, the chief of staff of General Lawton, and Brigadier-General Barry, chief of staff of General Otis—both appeared before the Military Committee of the Senate and testified to the value of the services rendered in the Philippines by this officer and urged his restoration to the Army. Colonel Edwards stated among other things that upon two occasions he had heard General Lockwood say that he intended to urge the restoration of this officer to the Army at the conclusion of the war.

Mr. BROMWELL. What was his rank when he was discharged?

Mr. NEWLANDS. He was a captain.

Mr. BROMWELL. Then this bill will not place him above his proper rank?

Mr. NEWLANDS. It puts him at the foot of the list.

Mr. BROMWELL. I have no objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. NEWLANDS, a motion to reconsider the last vote was laid on the table.

#### REGISTRATION OF EMPLOYEES IN TRANSPORTATION BUSINESS.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a few moments ago I objected to the present consideration of the bill offered by the gentleman from Pennsylvania [Mr. ADAMS]. I have since looked over the bill and report very carefully, and I still think the bill ought not to pass. But the pressure of my friends upon my courtesy is so great that I do not feel like taking the responsibility of defeating the bill by my sole objection. I therefore withdraw the objection, but I hope the House will vote down the bill.

Mr. ROBINSON of Indiana. I renew the objection.



## CIVIL GOVERNMENT OF ALASKA.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

Be it enacted, etc., That section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," be amended so as to read as follows:

The treasurer of the corporation shall be ex officio treasurer or the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bonds to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in district court may from time to time direct, but in no event shall such bonds be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, of the corporation clerk, and the clerk of the district court: *Provided*, That 50 per cent of all licensed moneys provided for by act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within said corporation, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of said corporation upon taking his receipt therefor in duplicate, one of which duplicate receipts shall be forwarded to the Secretary of the Treasury of the United States by the clerk as a voucher in lieu of cash, and the other receipt shall be retained by the clerk.

The money received by the treasurer of the corporation from the clerk of the court for licenses shall be used, under the direction of the council, for school purposes: *Provided*, That where it is made to appear to the satisfaction of the district court that the whole amount heretofore or hereafter received by the treasurer of the corporation from the clerk of the court is not required for school purposes, the court may from time to time, by orders duly made and entered with a statement of the facts upon which they are based, authorize the expenditure of the accumulated surplus, or any part thereof, for any of the municipal purposes enumerated in this chapter.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. I would like to hear some explanation of the bill by the gentleman from Illinois; and I ask him to state also whether the Secretary of the Interior has approved the bill.

Mr. WARNER. Mr. Speaker, the purpose of the bill is double. In the first place, it has been discovered that more money has been derived from licenses in the incorporated towns of Alaska than is necessary for school purposes in those towns. The bill provides that the surplus of this money may be turned over to the incorporated towns or municipalities for municipal purposes, under the direction of the court.

Then, again, the schools outside of the municipalities are not provided for at all. This bill provides that 50 per cent of the money derived from licenses on business outside of incorporated towns, or so much thereof as the Secretary of the Interior may deem necessary, shall be expended, under the control and direction of that officer, for school purposes outside of municipalities.

Heretofore Congress has appropriated money for schools in Alaska, starting with \$50,000 a year, and since 1893, to and including the current year, has appropriated \$30,000 a year, and the Committee on Appropriations has now declined to make any further appropriations for school purposes in Alaska.

Mr. RICHARDSON of Tennessee. And that would take the place of that which is provided on the sundry civil bill.

Mr. WARNER. There are 25 schools that would be closed if this appropriation is not made. The Secretary of the Interior approves it, the President in his message recommended that such a bill be passed, and it has the approval of all the Departments.

Mr. MOODY of Massachusetts. The gentleman stated that the Committee on Appropriations had declined to make the appropriation. Was that not for the purpose of enabling your committee to deal with the subject-matter in this way?

Mr. WARNER. The chairman of the Appropriation Committee told me he wanted our committee to provide for these schools with this license money.

Mr. RIDGELY. Will the gentleman permit me to ask him a question?

Mr. WARNER. Certainly.

Mr. RIDGELY. Can this money be taken and given to sectarian or religious denominations?

Mr. WARNER. No distinction is made as to denominations. The Secretary of the Interior controls the schools outside of the incorporated towns. The municipalities control them inside their jurisdiction.

Mr. RIDGELY. But those inside the jurisdiction, they are to be public schools, are they not?

Mr. WARNER. They are to be public schools, the same as we have them in Kansas and Illinois.

Mr. RIDGELY. Under this law, if the Secretary should see fit to turn it over to churches or religious societies he could do so.

Mr. WARNER. No; they must be public schools.

Mr. SHACKLEFORD. If this matter was so pressing a necessity and of such urgency, why was it not presented earlier in the session?

Mr. WARNER. It has been reported out from the committee I do not know how long, and I have been making the Speaker's life a burden to him trying to get recognition in order to obtain consideration of this bill.

Mr. LOUD. Has he been opposed to it?

Mr. WARNER. No.

Mr. SHACKLEFORD. We have been sitting here for some days without having anything to do, and it seems to me that would have been a proper time to have considered this bill.

The SPEAKER. Is there objection? The Chair hears none. The question is on the amendment.

The amendment recommended by the committee was agreed to.

Mr. SULZER. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Add at the end of the bill that "hereafter no hides of deer shall be exported from Alaska under a penalty of \$100 for each hide."

Mr. WARNER. I raise the point of order on the amendment; it is not germane, and is new legislation.

Mr. SULZER. Upon that I desire to be heard.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. SULZER. Mr. Speaker, when the Alaska code bill passed this House, by some inadvertence there was no provision put in that bill to protect the deer of Alaska. This was a mistake of grave importance. The deer of Alaska are being rapidly exterminated by the Indians, who hunt the deer simply for their hides. I am reliably informed—in fact, I know—that thousands and thousands of deer in Alaska are slaughtered every winter by the Indians. During the winter the deep snows compel the deer to come down from the mountains, and the natives ruthlessly slaughter them for their skins. Their skins are sold for from 50 cents to a dollar apiece. If this thing continues—

The SPEAKER. The Chair is prepared to rule on the question.

Mr. SULZER. Mr. Speaker, just one moment more. If this thing continues, in a very short time the deer of Alaska will be exterminated, and the people who live there and who to a certain extent subsist on the meat of the deer will be unable to get fresh meat. The natives slaughter the defenseless deer, and in ninety-nine cases out of a hundred leave the carcass to rot.

This amendment is a matter of great importance to the people of Alaska and in the interest of the protection of the deer. It ought to be adopted. Every true sportsman should favor it. I trust the gentleman will withdraw his point of order against the amendment. If he does not—and the Chair sustains it—I shall at once prepare and introduce a bill to accomplish the purpose desired.

The SPEAKER. The bill has entire relation to educational matters in Alaska and no relation whatever to deer, and therefore the amendment is clearly out of order.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

## MESCALERO INDIAN RESERVATION, N. MEX.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 213) setting aside certain lands within the Mescalero Indian Reservation, in New Mexico, for the use of the Indians thereon, and providing for the sale of the residue of the lands therein for the benefit of said tribe of Indians.

*Resolved, etc.* That the President of the United States be, and he is hereby requested and directed, through the Secretary of the Interior, to allot the lands of the Mescalero Apache Indians in Dona Ana County, N. Mex., to the individual members of said tribe, under the act of Congress of February 8, 1887, and of February 8, 1891, and that he negotiate with said tribe of Indians for the cession of the unallotted lands to the United States, and that the same be disposed of under all of the land laws of the United States.

For the purpose of carrying out this resolution the Secretary of the Interior is hereby directed to order an Indian inspector to the Mescalero Apache Agency, in New Mexico, to allot said lands among said Indians and to negotiate with said tribe for the relinquishment of all their interest in the unallotted portion of said reservation, and that such relinquishment be in the form of an agreement, which shall be subject to ratification and confirmation by Congress: *Provided*, That any agreement entered into by said inspector shall contain a proviso that the United States shall make no payment for the relinquishment of the title to said land until the receipt of funds from the sale thereof, and as fast as the lands opened for settlement are sold the money received from such sale shall be covered into the United States Treasury and placed to the credit of the said tribe of Indians.

The SPEAKER. Is there objection?

Mr. RAY of New York. Reserving the right to object, I desire to know what committee this comes from?

Mr. STEPHENS of Texas. This bill comes from the Committee on Indian Affairs, on a unanimous report from the committee.

Mr. RAY of New York. Do I understand the gentleman to say that this is a unanimous report?

Mr. STEPHENS of Texas. It is; I made the report myself in behalf of the committee. This bill has but few of the same provisions as were contained in the original bill. I introduced a bill providing for the acquirement of these lands, and provided that

allotments should be made to the Indians and the remainder thrown open for settlement.

In this reservation there are 471,000 acres of land. About 70,000 will be allotted to the Indians, who are 444 in number, and, giving 160 acres to each Indian, will leave 403,000 acres to be thrown open for settlement. The bill as originally introduced was to open the reservation unreservedly for settlement. The bill as amended and now under consideration provides that a commission shall be appointed by the President who shall negotiate a treaty with these Indians for the purpose of purchasing the land and have them allot the land among them, and then open the remaining lands for settlement after the treaty has been ratified by Congress.

Consequently this is only a preliminary step, and is necessary because a railroad from El Paso, called the El Paso and North-eastern Railroad, now a part of the Rock Island system, passes near the reservation, just to the west of it, and it is very necessary to the development of that country that this reservation should be thrown open to settlement.

The agent of these Indians, Capt. V. E. Stotler, has resigned and joined the Army, and when this agency was under his control he recommended strongly in different reports that this reservation should be opened to settlement, after first allotting to each Indian 160 acres of land. He stated that the Indians desired the lands allotted among them.

The lands where they now live are irrigable lands, and it is understood that the treaty would set apart irrigable lands to the Indians as their allotment for themselves, and the remainder would be opened for settlement. This opening of this reservation has frequently been requested by the governors of the Territory in different reports, and I hope there will be no objection to the bill.

Mr. RAY of New York. The bill seems to dispose of a large amount of land, or provides for it to be disposed of. What proportion of it will go to the Indians?

Mr. STEPHENS of Texas. About one-seventh, and after the treaty has been made with the Indians allotting them each 160 acres of land, the lands not allotted, six-sevenths, would be opened for settlement and be sold, and the money derived from the sale of the land would be placed to the credit of the Indian tribe.

All the moneys received from the sale of the land would be turned into the Indian fund, and the Government does not pay 1 cent for the land under this bill. Under the terms of the bill the United States pays nothing for the land. Whenever a man purchases a homestead the money goes to the Indians, and until it is purchased there will be no money to turn in. There is no burden on the Treasury, but it throws open 403,000 acres of a desirable country to settlement by white men.

Mr. LOUD. Let me ask the gentleman—does the present Delegate from New Mexico favor this bill?

Mr. STEPHENS of Texas. The present Delegate is opposed to it, but his predecessor was in favor of it, and I understand the succeeding one is in favor of it.

Mr. LOUD. Owing to the fact that the Delegate is not in a position to oppose it, I object.

The SPEAKER. Objection is made by the gentleman from California.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will state that the Chair did not recognize the gentleman for that purpose.

#### BRIDGE ACROSS THE NIAGARA RIVER.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13973) to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River."

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across Niagara River," be, and the same is hereby, amended so as to read as follows:

"Sec. 14. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed by June 30, 1904."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEPBURN. I object.

Mr. ALEXANDER. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. That is in the same situation as the last bill.

#### ISAAC R. DUNKLEBERGER.

Mr. JETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3283) for the relief of Isaac R. Dunkelberger.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, appoint Isaac R. Dunkelberger, late a captain, First United States Cavalry, and brevet lieutenant-colonel, United States Army, a captain of cavalry

in the Army of the United States, and when so appointed he shall be placed on the retired list of officers of the Army.

Mr. RAY of New York. Mr. Speaker, reserving the right to object, I would like some explanation of this bill.

Mr. JETT. Mr. Speaker, this was a bill passed by the Senate in the first session of the Fifty-sixth Congress, and, as I remember, it was reported unanimously by the Committee on Military Affairs of the House during the last session. There was a great injustice done this officer at the time he was forced out of the service.

I want to say by way of parenthesis that I am as much opposed to putting officers on the retired list as any man on the floor of this House, but when a great injustice has been done, as I believe has been done to Captain Dunkelberger, I believe as a member of this body it is our duty to correct the error if it is in our power so to do. When he was dismissed his disabilities were such that he should have been placed upon the retired list at that time instead of being forced out of the service.

If any member of this House will take the time to investigate this report, he will ascertain also that his condition was the result of wounds received while in the line of service and that he should have been retired and placed on the retired list instead of being forced out of the service, as was done by some medical gentlemen.

Mr. BROMWELL. Mr. Speaker, I do not understand that the gentleman has given us any reason why this bill should be passed or this action should be taken; he has made an argument, but he has not stated any facts. We want the facts.

Mr. JETT. I will say to the gentleman from Ohio that when the act of 1870 was passed, forcing certain officers out of the service on account, as I understand, of the fact that the establishment had got top-heavy with officers, this man was forced out when he had a right to take advantage of his condition and disabilities and go onto the retired list.

Mr. BROMWELL. How was he forced out?

Mr. JETT. He was forced out under an act passed by the Congress of the United States, which went into effect, I think, January 1, 1871. At the time this was done he had received such injuries in the service before as entitled him to take the benefit of the law that would have placed him on the retired list.

In other words, he could have gone before a certain board provided for by law, and if they found he was suffering from certain disabilities resulting from injuries received in the line of service he would be entitled to be placed on the retired list. Instead of that he was forced out of the service. He was not given that notice to which he was entitled before he was forced out of the Army.

Mr. BROMWELL. Mr. Speaker, I object to this bill.

Mr. HULL. Will not the gentleman withhold it a minute?

Mr. BROMWELL. I will reserve the objection, Mr. Speaker.

Mr. HULL. Mr. Speaker, I think the gentleman from Illinois has stated the facts partially. Under that act the man was entitled, if he was subject to retirement, to notice, and had a right to appear before the retiring board. This officer had no notice of the action of the Department until he was entirely out of the service. Serving where he was, he had no knowledge that he was even to be retired or dismissed from the service until it was an accomplished fact.

Now, Mr. Speaker, I would not be in favor of retiring officers because they were out of the service as the result of the act of 1870. The act was right, and if they had received proper notice so they could protect their interests, and then they were dismissed by the Department, this Congress, nor no other Congress, should ever interfere in the matter. But in place of this man having the right to do as he had under the law and go before a retiring board, the "benzene board," as it was called, situated in Washington, did not comply with the law and give him notice.

Mr. BROMWELL. Was that the case with other officers of the Army at that time?

Mr. HULL. Very few; and most of them have been retired by act of Congress.

Mr. BROMWELL. How many other cases are there probably of this kind?

Mr. HULL. I do not know of any.

Mr. BROMWELL. Twenty-nine years afterwards he comes here to have this thing corrected.

Mr. HULL. It is not twenty-nine years. He has been fighting for it and got favorable reports for a number of years. I yield to my colleague [Mr. CAPRON].

Mr. CAPRON. Mr. Speaker, I only want to say a word which I think may be of interest and perhaps will strengthen this case, having been on the subcommittee which examined it from the beginning. In the report you will find that it says this case was referred to the Secretary of War April 20, 1871, and he says "If this applicant can be sent before a retiring board legally, I think he should be sent." That is signed "U. S. Grant."

A little later on there is a statement, "I am afraid that injustice has been done him," meaning Captain Dunkelberger. And that



is signed by "P. H. Sheridan, U. S. A.," and the board of physicians say the same thing. No stronger case was ever brought before that committee than this.

Mr. RAY of New York. Then, as I understand, this man is not out of the service and is not seeking relief because of any official misconduct or moral turpitude?

Mr. CAPRON. Not at all.

Mr. RAY of New York. As I understand, similar relief has been granted in a large number of cases?

Mr. CAPRON. Yes, sir.

Mr. HULL. Let me add that everyone of this man's disabilities was contracted during his service in the civil war—from wounds received in battle.

Mr. CAPRON. No man who reads this man's record could object to the bill.

Mr. BROMWELL. If this explanation had been made in the first place, I should not have objected. I now withdraw the objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. JETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES A. SOMERVILLE.

Mr. THOMAS of Iowa. I ask unanimous consent for the present consideration of the bill (H. R. 7603) to correct the military record of James A. Somerville.

The bill was read, as follows:

*Be it enacted, etc.,* That the charge of desertion now standing against James A. Somerville, late of Company D, Fifth New Jersey Volunteer Infantry on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said James A. Somerville an honorable discharge, the same to date from the muster out of the said Fifth New Jersey Infantry.

The amendment reported from the Committee on Military Affairs was read, as follows:

Strike out the last two lines of the bill and insert in lieu thereof the following: "dated December 10, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. HAY. I would like some explanation of the bill.

Mr. HALL. Let the report be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7603) to correct the military record of James A. Somerville, report the same back to the House favorably, with the recommendation that it do pass with the following amendment:

Strike out the last two lines of the bill and insert in lieu thereof the following: "dated December 10, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Lieutenant Somerville was sent to hospital from Fair Oaks in July, 1862. He was dismissed in December for absence without leave, although he was then in hospital at Newark, N. J., and so reported by the surgeons, who stated that he was not fit for active service. In February, 1863, he asked that the dismissal be revoked and that he be granted an honorable discharge. The military commission reported that he ought not to be restored to the service, and took no action. He was notified that he had no appeal.

Beyond all question he was dismissed while he was in hospital, without notice. No reason can be given for the dismissal, and he is entitled to an honorable discharge with the usual proviso.

We add the record in this case as an appendix.

Mr. KING. I would like to ask whether this bill, if passed, will give this man a pensionable status?

Several MEMBERS. They all do that.

Mr. KING. Then I shall object.

Mr. CAPRON. The record shows that this man never deserted.

Mr. KING subsequently withdrew his objection, and the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

RIVER IMPROVEMENTS AT ST. JOSEPH, MO.

Mr. COCHRAN of Missouri. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

*Be it resolved by the House of Representatives (the Senate concurring)*, That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.

Mr. COCHRAN of Missouri. Mr. Speaker, my reason for asking the adoption of this resolution is that the report which it asks for can not be made available for the use of the House or the Senate except by the adoption of a resolution of this kind.

There being no objection, the House proceeded to the consideration of the resolution, and it was adopted.

JAMES W. LONG.

Mr. WM. ALDEN SMITH. I ask unanimous consent to take up for consideration the bill (H. R. 3651) placing James W. Long, late a captain of the United States Army, on the retired list.

The bill was read, as follows:

*Be it enacted, etc.,* That the President be, and is hereby, authorized to place the name of James W. Long, late a captain in the United States Army, upon the retired list of the Army, in the class whose disabilities result from wounds received in battle, with the rank and pay of a captain of infantry.

The amendment reported by the committee on Military Affairs was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James W. Long, late captain in the United States Army, a captain of infantry, and to thereupon place his name upon the unlimited retired list of the Army, in the class whose disabilities result from wounds received in battle, with the rank and pay of a captain of infantry, retired."

The SPEAKER. Is there objection?

Mr. HAY. Reserving the right to object, I ask the reading of the report.

The SPEAKER. The report will be read unless the gentleman would prefer to hear a statement.

Mr. WM. ALDEN SMITH. Mr. Speaker, I am satisfied that no unanimous consent has been asked of the House upon a more meritorious bill than the one I have presented. Indeed, I do not look with favor upon special bills of this character ordinarily, though I have never yet objected to one where the member presenting it felt that it was proper legislation, and I do not think there will be anyone in the House who will consider this measure improper from any standpoint. This is the first unanimous consent I have asked, and I should not avail myself of this privilege were it not for the fact that a great injustice has been done Maj. James W. Long, which it would be proper and right that Congress should rectify.

Major Long was appointed second lieutenant by President Lincoln in 1861, and served in the Regular Army for ten years. There is not a blemish upon his record. He was gallant, fearless, punctual, soldierly in his conduct and in his bearing, from the time he entered the Union Army until he severed his connection therewith. He bears many honorable wounds upon his person, the most serious of which has destroyed the sight of one eye and left his face somewhat mangled and disfigured, as the result of loyal services to his country.

He was recommended for retirement in 1867 on account of wounds, but the War Department, knowing he was a valuable man and an excellent soldier of exceptional ability, assigned him to service as Indian agent for the State of Michigan, under an old law set forth in section 2062 of the Revised Statutes. This was during the Administration of President Grant, when Army officers were assigned to Indian service. His work was of the most delicate character, and he did it with signal ability, calling forth the commendation of the Department many times while he was thus engaged.

He was with the Army of the Potomac, and participated in the campaigns of that army at Yorktown, Gettysburg, and the seven days' fight on the Peninsula, during which time—at the battle of Gaines Mill—he received three wounds, one from a pistol ball, a shell in the left foot, and an Austrian rifle ball, explosive caliber .69, which entered his face at the right ala of the nose, passing upward, outward, and downward, fracturing the superior maxillary bone, lodging at the lower angle of the jaw, from which it was afterwards extracted by Asst. Surg. Gen. W. C. Spencer, of the United States Army.

This latter wound thoroughly disabled him, and he was sent to the rear. Upon his arrival in Washington he was examined and ordered to his home to recruit his health and obtain necessary medical treatment. While at his home, and before his wound was healed sufficiently to allow of the removal of the bandages, he was placed on recruiting service, and from that time on he was either in the field or on special duty, or under medical care during the balance of his service, and during this fearful test of his physical condition he went through severe campaigns and battles and hardships, commanding his regiment through the battles of the Wilderness and Spotsylvania Court-House, where he was again prostrated by an attack which ended in typhoid fever and resulted in a long and dangerous sickness.

Again Surgeon Norris insisted on his retirement, but again this splendid officer was ordered on special duty, both at Louisville, Ky., and Trenton, N. J. From Trenton he was ordered back to the regiment at Newport Barracks, Ky., and from there to Louisville, and from there to Jeffersonville and Warsaw, where he was in command of the post.

Thence he was ordered to Atlanta, Ga., with his regiment, for consolidation of the Sixteenth and Second Regiments of the United States Infantry, all of which is set forth in General Orders of the War Department, under date of March 15, 1869. While at Atlanta, this officer, who served continuously through the entire civil war, who had endured hardships that no one thought he could stand, who had suffered from wounds that weaker men would have yielded to, who was dauntless and fearless in battle, and intelligent and discriminating in the performance of his every duty, was finally ordered before the examining board at Atlanta, Ga., and by that board found to be disqualified for active service on account of physical disability.

By the decision of this Atlanta board he lost his regimental

standing of the company, the association of nearly ten years of service, and was practically told that on account of his physical disabilities he was no longer fit for active service. This meant, according to the laws of Congress, his retirement from active service, with the right to appear before a regularly constituted retiring board.

This, however, was not done, but Major Long, after going to his home and reporting his address, as prescribed, was ordered to the Indian service by General Orders No. 49 of the War Department, May 7, 1869. He was placed in charge of the Mackinac Indian Agency, performing all of the duties required of him and drawing the pay to which he was entitled as an officer of the Army on duty. While holding this civil position by the direction of the War Department he was made ineligible to assignment on the active list of the Army, the decision of the Atlanta board standing in his way; and to further complicate his status, the following paragraph in public act 185, approved July 15, 1870, was enacted by Congress:

SEC. 18. *And be it further enacted*, That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, either by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

Now, Mr. Speaker, there was but one remedy for this gallant soldier after this law was passed, and that was to get off the active list. He having been pronounced unfit for active service, and having lost his regimental position and status by virtue of the decision of the Atlanta board, he made application to be ordered before the retiring board, which was done, and that tribunal found that he was fit for active service, contrary to the finding of the Atlanta board, who said that he was not fit for such service.

Major Long was then the Indian agent. He could not help it; he was acting under orders. He could not leave his post without being relieved; had he done so, he would have been tried by court-martial and dismissed. He was not relieved from duty, and he could not relieve himself, and found that the only alternative for him was to resign, or be legislated out after ten years of service, with two brevets, both for bravery in battle, and under this misinterpretation of his rights he resigned, receiving an honorable discharge. General Corbin, Adjutant-General of the Army, says Major Long's "record is good."

There is no dismissal by court-martial to be explained away. There are no charges of any kind against him. His record is eloquent with gallant service during the whole period of his Army career. He is entitled to be restored, and I urge my associates here to give this just and proper recognition to this splendid soldier. When the Atlanta board found him unfit for service he was entitled to be retired, and this is but a very tardy act of justice which I seek to accomplish for him to-day. The following letter, written by Brig. Gen. and Chief Signal Officer A. W. Greely to the chairman of the Committee on Military Affairs, is a high testimonial to Major Long's service as a soldier. The letter says:

WASHINGTON, December 4, 1900.

MY DEAR MR. HULL: I have always viewed applications for restoration to the Army with disfavor, but from a knowledge of the case of James W. Long I believe that his is one of exceptional hardship and that this restoration of a man very badly wounded and practically forced out of the service, through no fault of his own, has particular merits. I earnestly hope that his bill will pass.

Yours, truly,

A. W. GREELY,

Brigadier-General, Chief Signal Officer U. S. A.

Hon. J. A. T. HULL,  
Chairman Military Committee, House of Representatives.

With such a record as this soldier has, Congress is justified in doing for this soldier what should have been done for him years ago. I urge it in the interest of justice and in recognition of a most worthy officer of our Army.

Mr. UNDERWOOD. Is this gentleman now receiving a pension on account of his injuries in the service?

Mr. WM. ALDEN SMITH. I do not so understand. He has for years been anxious to have a measure of this kind passed so that he could go back to the Army, where he belongs.

Mr. UNDERWOOD. Is he seeking to go back into the Army on the retired list?

Mr. WM. ALDEN SMITH. He is seeking to go back into the Army.

Mr. UNDERWOOD. Does not this bill provide for his retirement?

Mr. WM. ALDEN SMITH. Yes; he may be retired.

Mr. UNDERWOOD. I would like to understand this matter distinctly, because if this bill proposes to retire him I will object; if it merely seeks to give him a status in the Army, that he may go upon regular duty, I will not object.

Mr. WM. ALDEN SMITH. The gentleman has not objected to other cases less meritorious than this.

Mr. UNDERWOOD. I beg the gentleman's pardon.

Mr. WM. ALDEN SMITH. I have never asked unanimous consent, and would not now, if this case were not highly meritorious.

Mr. UNDERWOOD. I am not making any objection against the gentleman, but against his bill.

Mr. WM. ALDEN SMITH. I want to put this officer back where he belongs.

Mr. UNDERWOOD. I would like to have the bill read again.

The SPEAKER. If there be no objection the bill will be again read.

The bill with the amendment was again read.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I ask that the bill be read again.

The bill was again reported.

Mr. UNDERWOOD. Mr. Speaker, I object to the bill.

The SPEAKER. Objection is made.

NEW DIVISION OF EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk of said court, and for other purposes," approved February 19, 1901.

*Be it enacted, etc.*, That section 5 of said act be, and the same is hereby, amended to read as follows:

"SEC. 5. That the clerk of the circuit court of said eastern district shall maintain an office, in charge of himself or a deputy, at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division; and the district judge for the said eastern district shall appoint a clerk of the district court who shall maintain an office at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUING THE ACT APPROVED JUNE 27, 1900.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution No. 8.

The Clerk read as follows:

Joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

*Resolved, etc.*, That the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy.

The amendment recommended by the committee was read, as follows:

In line 11, after the word "from," insert:

"Notwithstanding a prior service in the Confederate army or navy, and section 4716 of the Revised Statutes of the United States is amended accordingly."

After the word "navy," in line 3, on page 2, add:

"Nor to those who served more than one year in the Confederate army or navy; nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1865: *And provided further*, That no pension shall be granted for any disability incurred while aiding or abetting the late rebellion; and that no pension shall be granted under this resolution except on application therefor filed after its passage."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I want the bill explained. It looks that the bill might be held to include every person who served ninety days in the Army.

Mr. LINNEY. It does not.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to say that we can not hear one solitary word of what is being said, and unless we can we will object.

The SPEAKER. If the gentleman in charge of a bill would talk distinctly so that all could hear him, it would preserve order. The trouble is they talk between themselves, instead of in a manner that they should if they were addressing an audience of 10,000 people, which is necessary in this Hall.

Mr. LINNEY. Mr. Speaker, I think I can explain the resolution so that there will be very little, if any, objection to it on its merits. Discriminations have been made by a construction of section 4715 of the Revised Statutes touching pensions, which reads as follows:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

Now, by various amendments and constructions of this section, I find that there have been seven separate exceptions made. The first is, widows of soldiers who served in the Revolutionary war; second, those who served in the war of 1812 against Great Britain; third, those who served in the Mexican war; fourth, those who



served in the Indian wars; fifth, those who served in the Spanish war (though they had formerly been Confederate soldiers); sixth, those who received a pensionable disability in the United States Army (see act of March 3, 1877), and, seventh, those who received a pensionable disability in the United States Navy, although the soldier may have given former service to the Confederate cause.

No soldier, whatever may have been the character of his service, and whatever may have been the injuries originating in the service in the Federal Army, is entitled to a pension. Now, this resolution, as I understand it, and I do not think it is capable of any other construction, simply places the soldier himself upon the same footing—that is, where he has received injuries in the Federal service—as other soldiers who are now receiving a pension.

Those who served in certain regiments mentioned in this resolution—First, Second, Third, and Fourth Infantry—shall not get anything. Why? Because it has been generally supposed that those persons enlisted in the service of the United States under an agreement that they were not to fight their former comrades, but to do service in the Indian wars, or something of that sort, and to receive no bounty or pension. This resolution expressly excepts them, and these will take no benefits whatever from my resolution.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask him a question?

Mr. LINNEY. Certainly.

Mr. RICHARDSON of Alabama. I understand you to say now that men who belonged to the Confederate army and afterwards fought in the Union Army are not entitled to a pension.

Mr. LINNEY. He is not, as the law is now construed.

Mr. RICHARDSON of Alabama. That is right.

Mr. LINNEY. Those who joined the Federal Army and rendered faithful service have much merit in their claim for pension now, because the Government accepted their services, and is thereby estopped now to say they are not entitled to the same treatment that their comrades get.

Mr. RICHARDSON of Alabama. I am opposed to giving pensions to men who were in the Confederate army and joined the Union Army.

Mr. LINNEY. Will you do me the kindness to hear me a moment? There were many men of the South who went into the Southern army under influences they could not resist, and the first opportunity they joined the Federal Army and did good service. Are they not entitled to a pension?

Mr. RICHARDSON of Alabama. I am for giving a pension to any true, loyal Federal soldier in every way, shape, and form, and opposed to Confederates receiving a pension, because I am opposed to rewarding a man who deserts any cause.

Mr. LINNEY. As a general rule your proposition may be correct; but, Mr. Speaker, when the Government desired his services and welcomed him into the ranks of the Federal Army, he is in every sense a Federal soldier. There is one class just as worthy as any soldier. Suppose a man volunteered, under peculiar influence brought to bear, in the Confederate army, and honestly seeing his error, joined the Federal Army and shed his blood for the Union, is he not even more of a hero than the average soldier?

Conscription began and was rigidly enforced from 1862 to 1864. It took in our boys at the tender age of 17 years. Now, who doubts the patriotism of a boy of 17 years, who under strong pressure joined the Confederate army, and, following his convictions, left it? Has he not shown more moral courage than the average soldier if he afterwards was loyal to the last to the Union cause?

Mr. BROMWELL. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROMWELL. All this discussion, as I understand, is subject to the objection reserved?

The SPEAKER. It is all under the unanimous-consent privilege.

Mr. BROMWELL. And the objection can still be made.

The SPEAKER. An objection from any member prevents consideration.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. LINNEY. Certainly.

Mr. HAY. Is it the purpose of this bill to put on the pension list men who were in the service of the Confederacy and then served in the Federal Army?

Mr. LINNEY. Under certain restrictions, it is.

Mr. HAY. I object.

The SPEAKER. Objection is made.

#### ADDITIONAL POWERS TO MARINE-HOSPITAL SERVICE.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4171.

A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Be it enacted, etc., That an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893, be amended and added to as follows:

That section 6 of said act shall be amended to read as follows:

"SEC. 6. That on the arrival of an infected vessel at any port not provided

with the proper facilities for treatment of the same the Secretary may re-mand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel, or inspection of any vessel not infected, at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease or danger of conveying the same, said vessel shall be permitted to enter and admitted to entry at any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station."

That there shall be added the following sections:

"SEC. 10. That national quarantine stations shall be conducted in accordance with the provisions of this act, and the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels, which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than \$300 or imprisonment for not more than one year, or both, in the discretion of the court.

"Any master or owner of any vessel, or any person violating any provision of this act or any rule or regulation made in accordance with this act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both, in the discretion of the court.

"SEC. 11. That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons shall be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service; and at any such port or place no vessel, vehicle, or person from any foreign port or place shall be admitted to entry or enter without a certificate of said officer that the United States quarantine regulations have been complied with.

"Any vessel sailing from any foreign port without the bill of health required by section 2 of this act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

"SEC. 12. That the medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States."

The SPEAKER. Is there objection?

Mr. FITZGERALD of New Jersey. Reserving the right to object, I would like to ask the gentleman if there is in any way any interference with the State's rights?

Mr. MEYER of Louisiana. Not in any way.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES M. STRADLING.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 12807.

The Clerk read as follows:

A bill (H. R. 12807) for the relief of James M. Stradling.

Be it enacted, etc., That James L. Stradling shall be held and considered to have been mustered into the service of the United States as a second lieutenant of the First Regiment of New Jersey Cavalry Volunteers on the 19th day of July, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to issue to him a certificate of discharge as a second lieutenant of said regiment, to date from the 18th day of September, 1864: *Provided*, That nothing in this act shall be so construed as to entitle the said Stradling to receive any pay, allowances, or pension.

The amendment recommended was read, as follows:

In line 3 strike out the letter "L" and insert the letter "M."

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have the report read in that case.

Mr. GARDNER of New Jersey. Possibly I can save time by stating the case in a few sentences.

James M. Stradling enlisted in the First New Jersey Cavalry Volunteers as a private in 1861, and served until 1864. He was promoted to corporal, sergeant, and finally quartermaster-sergeant. On the 19th day of July, 1864, he was recommended for promotion to a second lieutenancy, to fill a vacancy then existing, and the company contained 102 members, or above the number of men required.

The commission was issued as of the date of July 19, 1864. For a reason that has never been explained it never reached him. He was mustered out September 16, 1864, without having been mustered in as a lieutenant. This bill simply requires the Secretary of War to issue to him a discharge as second lieutenant instead of quartermaster-sergeant.

Mr. SLAYDEN. Do I understand the gentleman to say that the company had a sufficient number of men?

Mr. GARDNER of New Jersey. It had 102 men—2 more than necessary.

Mr. SLAYDEN. How do the War Department explain the failure of this commission to reach him?

Mr. GARDNER of New Jersey. The War Department had nothing to do with it. Volunteer commissions were issued by the governors of the States; they were sent by mail to the commanders of the regiments.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GARDNER of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE OVER THE NIAGARA RIVER.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 13973, to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River."

The SPEAKER. This is the bill that has been already once read this morning?

Mr. ALEXANDER. Yes.

The SPEAKER. The Clerk will read the bill again by its title.

The Clerk again read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

#### LIEUT. ROBERT PLATT.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3077) authorizing the President to appoint Lieut. Robert Platt to the rank of commander. The bill was read at length.

Mr. UNDERWOOD. Mr. Speaker, I think I shall have to object. I understand this is taking a civilian and putting him on the retired list.

Mr. MEYER of Louisiana. My friend from Alabama is in error. Lieutenant Platt is now an officer of the Navy and has been in service since the civil war. He was made a lieutenant in the Navy a generation ago for gallant services in that war. For certain reasons which I do not know, perhaps because of prejudice against civilian officers then existing, a limitation to the act appointing him barred him from promotion. Under existing law a naval officer can not be retired for age unless he has reached the rank of commander.

Hence he is still on the active list, although 67 years of age. He has served faithfully in the low grade of junior lieutenant for over thirty years. This bill proposes to retire him with rank of commander, but to meet the objections of certain members I have sent to the desk an amendment providing that he shall be retired with the rank of lieutenant, which is the next higher grade to the one he now occupies. The Senate has several times passed an act authorizing him to be retired to a higher grade. The bill is unanimously approved by the Committee on Naval Affairs, and I urge it as an exceedingly worthy one. Lieutenant Platt is old, infirm, and deserves this consideration.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I regret, Mr. Speaker, to object, but, as I understand it, it is to put a man on the retired list, and I renew my objection.

#### AMERICAN REGISTER FOR THE BARKENTINE J. C. PFLUGER.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.

The Clerk read the bill, as follows:

*Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built barkentine J. C. Pfluger, of San Francisco, Cal., purchased and wholly owned by a citizen of the United States and repaired by him, to be registered as a vessel of the United States.*

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

#### FRANK B. CASE.

Mr. METCALF. Mr. Speaker, I desire to present a conference report on the bill (H. R. 11598) for the relief of Frank B. Case, and I ask unanimous consent that the reading of the report be dispensed with and that the statement only be read.

Mr. UNDERWOOD. I desire, Mr. Speaker, to reserve all points of order to the report.

The SPEAKER. Points of order are reserved to the report, but no objection is made to the request.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11598) for the relief of Frank B. Case, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

V. H. METCALF,  
JAMES E. WATSON,  
ADOLPH MEYER,  
*Managers on the part of the House.*  
EUGENE HALE,  
WILLIAM E. CHANDLER,  
B. R. TILLMAN,  
*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

#### STATEMENT.

The House bill authorizes the President to appoint Frank B. Case a line officer in the Navy, with the proviso that when appointed "he shall perform shore duty, or such duty at sea as the physical disability for which he was retired will permit."

The amendment of the Senate authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint said Case upon the retired list of the Navy, with the rank of ensign.

In view of the fact that the disability of said Frank B. Case applies only to the question of his vision, and that under the statute the Secretary of the Navy is empowered to assign him to shore duty in any branch of the naval service for which he may be qualified, your conferees recommend that the House recede and concur in the Senate amendment.

Mr. UNDERWOOD. I understand this is a private bill?

Mr. METCALF. It is a private bill.

Mr. UNDERWOOD. I desire to oppose the conference report and I ask the gentleman to yield me sufficient time to be heard.

Mr. METCALF. How much time does the gentleman desire?

Mr. UNDERWOOD. Ten minutes, although I may not use all of it.

Mr. METCALF. Very well; I will yield to the gentleman ten minutes.

Mr. UNDERWOOD. Mr. Speaker, this is a similar case to the bill that has just been before the House. The House bill, it seems, was passed providing that this officer might be once more enlisted in the Navy. As I recollect the bill when it came before the House, it was shown that he was retired on account of color-blindness, and the board retired him permanently from the Navy. It was afterwards discovered that he could do duty on shore.

A bill was brought in here placing him back in the Navy, where he could serve the Government and could be of service to the Government, giving the Government the benefit of his time for the money that was paid. He is a young man, if I recollect the report right. His services can be used; he is healthy; there is no objection to him in the world, except he is color-blind and could not recognize the signals on board of ships at sea.

Mr. SOUTHARD. I would like to ask the gentleman what is to prevent his being detailed if put on the retired list?

Mr. UNDERWOOD. I do not want him put where he does not have to work. When the Government of the United States employs a man and pays him a salary it should be his duty to work.

Mr. SOUTHARD. Is it not a fact that he would have to work if detailed?

Mr. UNDERWOOD. I do not think the details are ever made except in time of war. If you expect him to be detailed and sent back to work, why not insist on the House bill and put him on the retired list of the Navy, where he can work? It has been repeatedly said in this House within the last few days that they wanted to place men on the naval list because the Navy needed the men, that it needed trained men, and there is but one reason that can be assigned for this why he should not be placed on the regular list as provided by the House bill, and that is that a little clique of naval officers want to have their sea service cut down and be able to stay at home in fat positions as long as possible.

If this man was put on duty he would have to be assigned to shore duty, and it would possibly, for a few days or a few weeks, prevent some able-bodied naval officer from occupying that position.

Mr. METCALF. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Yes.

Mr. METCALF. Under the House bill he would be named as a line officer to perform practically shore duty, and as such officer perform shore duty, and for shore duty he would receive \$2,500 a year, and when performing duty at sea, \$3,000 a year. Under the act of June, 1900, if he is placed upon the retired list, the Secretary of the Navy can order him to active duty, and if ordered to active duty on shore he would draw \$1,480. He is now drawing \$1,800 in the Judge-Advocate-General's department.

Mr. UNDERWOOD. If he is color-blind and is only performing shore duty he ought not to be sent to sea. If he can perform shore duty, there is no reason why he should not be assigned to a



position down at Indian Head, where color-blindness would not interfere with him.

There is no reason why he can not go out to one of these shipyards to superintend work done for the Government. There is no reason why he can not be sent to Bethlehem to inspect armor plate. There are thousands of positions in which this man's services could be used. If it is true, as high naval officers have asserted, that the Navy is in need of officers, it would be very proper to put him on the active list and let him engage in some work for the Government. But that is not what is wanted. The object is to put him on the retired list. I know there is a provision of law that a retired naval officer may be assigned to active duty. But I ask gentleman to tell me a case where any naval officer is so assigned.

Mr. METCALF. There are such assignments in the Judge-Advocate-General's Department. I made inquiry at the Navy Department and learned that in every instance the Secretary of the Navy orders retired officers to active duty, if they are competent to perform it. This man is forty-two years old. Under the act of 1900 he would have to serve for twelve years, when he would reach the age of fifty-four. If placed on the retired list he would have to be placed there as an ensign, drawing half pay.

Mr. UNDERWOOD. If he is to be assigned to duty, why can we not fix that now and let him be retired at a proper age? But if he is placed on the retired list, he can bring his political influence to work, can avoid any assignment to active duty, can go on and attend to his private business. While on the retired list, unless the Secretary of the Navy should assign him to active duty, he will draw three-fourths pay.

Mr. Speaker, we have reached the point where officers of the Army or Navy, after resigning in order to engage in civil business—after getting tired of the Army and Navy and seeking to launch their fortunes on the sea of commerce—come back to Congress, after making a failure in civil life, and, upon some excuse, want to be put on the retired list, where they may live upon the bounty of the Government for the balance of their lives. I say it is time to call a halt upon this practice.

Mr. SOUTHARD. Mr. Case never resigned from the Navy. He was wholly retired.

Mr. UNDERWOOD. I am not speaking particularly of this case. I am speaking of the practice of putting men on the retired list. We have a pension list. If an officer has been injured in the service, we provide that he shall receive a pension.

But as for this practice of men getting bills through here by means of political influence, to put them on the retired list for the rest of their lives, drawing pay from the Federal Treasury, it is time this practice should be stopped. I hope the House will vote down the conference report.

Mr. METCALF. I yield five minutes to the gentleman from Ohio [Mr. SOUTHARD].

Mr. SOUTHARD. Mr. Speaker, I wish to say that there is no case similar to this. There never has been a retirement in the naval service from which this case is not easily distinguishable. I wish to occupy only a moment in stating the circumstances under which this retirement was brought about.

Mr. Case entered the Naval Academy, I think, in 1873. He was wholly retired some time in the eighties, just after a long cruise in the Arctic regions. His incapacity for active service developed on an examination for promotion. It was discovered that he was either permanently or temporarily color-blind. At that time the medical officers of the Department were insisting that color-blindness was congenital—that it could never be acquired. Mr. Case was retired under a different rule from that under which anybody else has been retired for color-blindness since we have had a Navy.

This was the first retirement in that service for color-blindness. Three or four or five officers have been retired since that time for color-blindness; and a different rule has been followed in their cases from the rule which was applied in this case. All the others have been retired either on half pay or three-fourths pay.

We doubt, of course, whether this is a genuine case of color-blindness. Prior to the Spanish war Mr. Case was examined for the railroad service and passed. During the Spanish war he came down here to be examined for the naval service. The medical board at the navy-yard here examined him. He was passed by that board as not being incapacitated because of color-blindness. He then disclosed, as he ought to have done, the fact that he had been retired from the Navy because of color-blindness.

The board examined him again, and then two out of the three members of the board were in favor of passing him. Some dispute arose, and they finally concluded to reject him. Out of some two or three hundred tests in distinguishing different shades of color he made only two or three mistakes. I believe that his color vision is to-day as correct as that of most men.

But he was retired under a different rule from that which has been applied in the case of any other retirement in the naval service. No one who has examined this case has failed to concede readily that a great injustice was done Mr. Case.

The bill to restore him to the active list passed this House and went to the Senate. The Senate for some reason or another would not agree to it.

Now, something ought to be done. This injustice ought to be remedied. For fourteen or fifteen years he has been kept out of what is his just due. Let the same rule be applied to him as has been applied to every other officer in the Navy similarly situated. There is no one who has examined this case who does not agree that a great injustice has been done.

Mr. UNDERWOOD. I hope the gentleman will understand that I have no objection to this man being restored to the service and being put to work. It is admitted that he is competent for some classes of work in the Department. He ought to be assigned to such duty as he is qualified for. But because the United States Senate insists on his retirement why should we, as we too often do, lie down before that body?

Mr. SOUTHARD. I agree with the gentleman that the other bill—the bill introduced in the House—provided what ought to be done. But the Senate will not agree to it. If this bill passes, what will be the result? This man will be detailed for service at an annual salary of \$300 less than he is now receiving. That will be the result of retirement. It will do him something of an injustice. But the two Houses ought to agree on something. There is no denial of the fact that we ought to do something for Mr. Case.

[Here the hammer fell.]

Mr. METCALF. I yield five minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I freely admit that I have a good deal of sympathy with the argument which has been made by the gentleman from Alabama [Mr. UNDERWOOD]. I agree with him that the House bill was better; but the question before the House now is whether we shall remedy an injustice to this man or perpetuate an injustice.

Now, if the gentleman from Alabama will bring a bill in doing away with the retired list entirely and pass such a bill, then his argument would be proper upon this measure; but when we come here with a measure which proposes to remedy an absolute injustice, that every man who ever examined this record admits has been done against this man, and every officer of the Navy admits has been done, that every medical board of examiners to-day in the United States admits has been done; and then you object to it because you do not want to increase the retired list, I submit that an argument of that sort should not receive serious consideration. Now, here are six of these bills that the House has agreed to for putting men back on the retired list.

Mr. TALBERT. Will the gentleman permit me to ask him a question?

Mr. COWHERD. I will.

Mr. TALBERT. Does this bill seek to remove a charge of desertion?

Mr. COWHERD. Oh, no.

Mr. TALBERT. Does it vacate a sentence of a court-martial?

Mr. COWHERD. Not at all.

Mr. TALBERT. Simply to put him on the retired list?

Mr. COWHERD. Simply to put him on the retired list. The gentleman certainly did not hear the gentleman from Ohio make the explanation. This was a young man who entered the Navy, graduated, made one cruise at sea, and then made another cruise at sea in the Jeannette relief expedition. He was ordered for examination immediately after this cruise, and it then was found that he was color-blind, and he was wholly retired from the Navy on account of color-blindness. The doctors then thought that color-blindness was congenital, and could not be acquired.

The most learned doctors now coincide in the opinion that color-blindness may be acquired and is most frequently acquired where a man is exposed to the glare of the sun upon ice or snow fields. This man had been in that service in Alaska. Upon a similar case a man was placed on the retired list because the House thought color-blindness could be acquired and his eyes were injured in the service, and they give him three-fourths pay.

From every aspect of this case I think this man ought to receive consideration. I agree with the gentleman from Ohio. I challenge the records of the Navy to show where there has been any man wholly discharged from the Navy for a physical disability whether it was incident to the service or not. As a matter of fact there have been very few discharges in the Navy, except in a case where there was something against the man's character.

I know that. I went to see the Judge-Advocate, and stated the case to him, and he laughed at me, and said, "You will find the fellow was drunk or did something." I took the records and ran them down with the Judge-Advocate from the beginning to the end, and there is not a blot upon it anywhere. And I appeal to this House to pass this bill, or agree to the conference report, as it is the only way that this wrong can be remedied. [Cries of "Vote!"]

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The question was taken, and the conference report was agreed to. On motion of Mr. METCALE, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### CALENDAR AS A HOUSE DOCUMENT.

Mr. HEATWOLE. Mr. Speaker, the Committee on Printing asks consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution No. 436:

*Resolved*, That the last issue of the House Calendar for this Congress be printed as a document of the House.

Mr. UNDERWOOD. I ask the gentleman to yield to me two minutes, in order that I may yield to the gentleman from Oklahoma.

Mr. FLYNN. Mr. Speaker, some time since, upon what at the time appeared to me to be good authority, I made some remarks in reference to the gentleman from Texas [Mr. STEPHENS]. Since that time I have taken great pains to investigate the matter, and while I find that he did send a telegram, it was in reply to a letter from a party in Oklahoma requesting him to notify him when a certain bill was passed and when it was signed by the President.

If I had had all the facts at the time I made the remarks I do not suppose that I should have made them. I am the last man in the world who would do an injustice to anybody, much less a member of this House, and I want to make this statement to the House as a matter of justice to myself and to the gentleman from Texas. [Applause.]

The resolution was agreed to.

#### MOUNTING MAPS.

Mr. HEATWOLE. I ask for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution 413.

*Resolved*, That the superintendent of the folding room of the House of Representatives is hereby directed to mount with rollers and hangers all United States maps hereafter printed and placed to the credit of members of the House of Representatives.

With the following amendment:

After the word "Representatives," in line 5, add: "the cost of mounting each map not to exceed 30 cents."

The amendment was agreed to.

The resolution as amended was agreed to.

#### MILITARY LAWS OF THE UNITED STATES.

Mr. HEATWOLE. I ask unanimous consent for the consideration of the Senate concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved, etc.*, That there be printed for the use of the Senate and House of Representatives 2,000 copies of the military laws of the United States, to include all legislation in respect to military affairs of the Fifty-sixth Congress, of which 650 copies shall be for the use of the Senate and 1,350 copies shall be for the use of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

REPORT OF DR. V. K. CHESTNUT AND DR. E. V. WILCOX ON POISONOUS PLANTS IN MONTANA.

Mr. HEATWOLE. I ask unanimous consent for the consideration of Senate concurrent resolution 92.

The Clerk read as follows:

*Resolved, etc.*, That there be printed 10,000 copies additional to the usual number of the report of Dr. V. K. Chestnut and Dr. E. V. Wilcox of their investigation of plants poisonous to stock in Montana, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

#### AMENDMENT OF PUBLIC PRINTING ACT.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 14314) to amend section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895.

*Be it enacted, etc.*, That section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same is hereby, amended by striking out of said section the words "said Congressman to deposit with his order the extra expense involved in printing these additional words."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### HISTORY OF GENERAL STAFF OF THE ARMY.

Mr. HEATWOLE. Mr. Speaker, I am also directed to ask unanimous consent for the present consideration of the Senate concurrent resolution No. 113.

The Clerk read as follows:

*Resolved, etc.*, That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

#### PRINTING FOR A COMMITTEE.

Mr. HEATWOLE. There is another resolution.

The Clerk read as follows:

House resolution 419.

*Resolved*, That the Committee on Irrigation of Arid Lands be, and hereby is, authorized to have printed such papers, documents, and testimony taken at meetings had before that committee, and such as may be necessary for the business of said committee.

The amendment recommended by the committee was read as follows:

Strike out all after the word "Committee" in line 4, and insert in lieu thereof "during the second session of the Fifty-sixth Congress."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

#### DISPOSITION OF LAND.

Mr. LACEY. Mr. Speaker, I call up a conference report.

The SPEAKER. The gentleman from Iowa calls up a conference report.

The Clerk read as follows:

A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 2 to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to amendment No. 2 of the Senate, and agree to the same.

JOHN F. LACEY,  
F. W. MONDELL,  
JOHN F. SHAFROTH,  
*Managers on the part of the House.*  
H. C. HANSBROUGH,  
THOS. H. CARTER,  
HENRY HEITFELD,  
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

The effect of the agreement is to adopt the amendment of the House to the Senate amendment authorizing the President to avoid the contest and conflicting claims heretofore resulting from a rush upon a newly opened reservation, by prescribing the manner in which the land may be settled, occupied, and entered, which regulation shall be embraced in the proclamation.

JOHN F. LACEY,  
F. W. MONDELL,  
JOHN F. SHAFROTH,  
*Managers on the part of the House.*

Mr. LACEY. The gentleman from Texas would like to have a few minutes, and I yield to the gentleman two minutes.

Mr. STEPHENS of Texas. Mr. Speaker, this bill is not as I would like to have it. I think some means should be adopted in opening this reservation whereby we could avoid the horse race, or run, that has heretofore taken place.

It might be done by adopting a plan of drawing similar to that that we have adopted in this House. It would be very easy for everyone who is interested in settling on these lands to file their affidavits showing that they have a right to the land and then draw for it. There will probably be 50,000 people asking for these 10,000 homes, because this is the last reservation of good lands to be opened in the United States.

It is very necessary, in my judgment, that the Interior Department should have some plan other than running for it, as has been heretofore indulged in in Oklahoma. I hope, under the amendment offered by the gentleman from Iowa [Mr. LACEY], that the Secretary of the Interior will see proper to open this reservation by some scheme similar to the one devised by this legislative body for selecting their seats.

Mr. LACEY. Mr. Speaker, what means will be adopted by the Secretary or President it is impossible to say, but I am satisfied that he could not possibly do worse than to continue the present system of racing for the possession. I have no doubt by giving the authority that we do give in this amendment a scheme will be devised to avoid that, and probably something in the line suggested by the gentleman from Texas [Mr. STEPHENS].

Mr. DE ARMOND. I would like to ask the gentleman if this enlarges the power of the Secretary of the Interior?

Mr. LACEY. At present all the power the Secretary has is to throw open the reservation for a race. There is no authority for



making any rules or regulations that will prevent five or six different men from getting onto the same quarter section or having the multitudinous and expensive contests that have ensued from the races in the past.

This law giving the President, by proclamation, power to provide some system of avoiding this will be equitable to all persons. Bloodshed often ensues in contests of this kind, and it takes an army to protect the settlers during the race. I have no doubt some method can be devised that will prevent it. We did not have time in the closing hours of the session to put in perfect shape a plan such as would obviate this difficulty. Therefore I think it is perfectly safe to allow this regulation to be promulgated by the Department of the Interior, under the direction of the President, included in the proclamation.

Mr. DE ARMOND. Are there any limits as to when the proclamation shall issue? Is there any time fixed for issuing the proclamation?

Mr. LACEY. This does not attempt to handle the question in detail. I apprehend the proper way would be to make the applicants file their applications and have some system by lot. There will be 50,000 applicants probably, and of course there will not be a quarter section for all. There will be many more applicants than can possibly obtain land.

Mr. DE ARMOND. Is there anything to determine where this shall be done?

Mr. LACEY. It would have to be done at the land office in the district. We have not attempted to go into these details on account of the lack of time and the rush of business in the closing hours of the session.

Mr. SHAFROTH. If the gentleman will pardon me I will state that unless this bill passes practically in its present form this reservation will not be open for settlement for one year after the 6th day of August. It is true it would be better, and I should prefer it, if we could prescribe exactly what the settler should be entitled to and how he should make his selection, but it is impossible to formulate anything but what would be open to serious objection at this late hour of the session, and I therefore concurred in the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken and the conference report was agreed to. On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

#### MEDALS OF HONOR FOR ENLISTED MEN OF NAVY OR MARINE CORPS.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That any enlisted man of the Navy or Marine Corps who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag-officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section 1407 of the Revised Statutes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have some explanation of this bill.

Mr. BUTLER. Mr. Speaker, perhaps the best explanation I can make will come from a letter addressed to the House Naval Affairs Committee by the Assistant Secretary of the Navy. It is as follows:

NAVY DEPARTMENT,  
Washington, February 18, 1901.

To the CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,  
House of Representatives.

SIR: I have the honor to invite your attention to an omission in the law providing for the recognition of distinguished services on the part of enlisted men of the Navy. The only clause of the Revised Statutes that applies is section 1407, which is fully set out in the accompanying letter. You will observe that this does not include marines, nor does it include firemen or others than seamen on board ship.

A board is now sitting at the Department to consider the subject of rewards to officers and men in China and the Philippines. This board has addressed the Department a communication calling attention to the omission just referred to, which letter is inclosed herewith.

I have the honor to recommend that this obvious defect in the law be cured by legislation.

Inclosed is a draft of a few words which, if added to section 1407, will, in the opinion of the Department, secure the end desired.

The language of the draft is: "Provided, That any enlisted man of the Navy or Marine Corps so recommended may receive a like medal and gratuity."

Respectfully,

F. W. HACKETT, Acting Secretary.

Now, let me read a letter from the chairman of the board for the bestowal of awards:

NAVY DEPARTMENT,  
Washington, February 18, 1901.

To the honorable the SECRETARY OF THE NAVY.

SIR: Section 1407 of the Revised Statutes provides as follows:

"Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers upon the recommendation of their commanding officer, approved by the flag officer and Secretary of the Navy. And upon such recommendation they shall receive

a gratuity of \$100 and a medal of honor, to be prepared under the direction of the Navy Department."

The board, of which I am chairman, ordered to consider the subject of the bestowal of awards upon officers and enlisted men of the Navy and Marine Corps for distinguished services in China and the Philippines and to make recommendations in regard thereto to the Secretary of the Navy, is unable to act upon the numerous cases of enlisted men of the Marine Corps before it.

The board have, therefore, to recommend that the necessary steps be taken at as early date as possible to secure such action by Congress as will enable the board to carry out its instructions regarding the enlisted men of the Marine Corps.

Respectfully,

F. W. HACKETT, Chairman.

I would like to read the last clause of the report which is unanimously made by the Committee on Naval Affairs:

Under the term "seamen" there has been a construction excluding enlisted men of the Navy and Marine Corps from the benefits and reward of the aforesaid statute. This bill is simply declaratory of an evident intention to provide for all the enlisted men of the Navy and Marine Corps, and will enable the Secretary of the Navy to amply reward the gallant conduct of our Marine Corps in China and elsewhere.

Does the gentleman from Tennessee desire to ask any further questions?

Mr. RICHARDSON of Tennessee. Will the gentleman state what this bill does?

Mr. BUTLER. The bill was just read.

Mr. MADDOX. Will the gentleman yield to me?

Mr. BUTLER. I shall be delighted to yield to the gentleman.

Mr. MADDOX. What was the bill passed this morning, presented by the gentleman from Louisiana [Mr. MEYER], appropriating \$25,000 to give medals for sailors or seamen?

Mr. BUTLER. That bill provided a reward for seamen and marines of the Spanish-American war for gallant services rendered by them on the shores of the Caribbean Sea. This bill is to provide rewards for enlisted men who rendered gallant and distinguished services in the Philippines and China.

I will say for the information of the gentleman from Georgia that the section referred to in the bill was passed in 1877 and has been in operation from that time to the present. This is simply declaratory of what was supposed to be the intention of Congress at the time that bill was passed. It was understood that bill contained sufficient language to enable the Department to confer medals of honor upon the marines as well as upon the seamen. The section has been construed so as to prohibit or exclude the marines from receiving the same reward of merit or the same recognition for conspicuous services that has been since 1877 conferred upon seamen upon shipboard.

Mr. MADDOX. Your bill does not cover the same ground that is covered by the bill offered by the gentleman from Louisiana [Mr. MEYER]?

Mr. BUTLER. No, sir; it provides for separate and distinct services. The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BUTLER, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On March 1, 1901:

H. R. 13822. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 9140. An act providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes;

H. R. 11821. An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes;

H. R. 11820. An act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes;

H. R. 13951. An act authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay;

H. R. 1845. An act granting a pension to William Allen;

H. R. 13049. An act granting a pension to Elizabeth Fury;

H. R. 13118. An act granting a pension to Rebecca J. Gray;

H. R. 13154. An act granting a pension to Ernestine Lavigne;

H. R. 13569. An act granting a pension to the minor children of Henry R. Hinkle;

H. R. 3861. An act granting an increase of pension to Jesse Millard;

H. R. 3784. An act granting an increase of pension to Linsay C. Jones;

H. R. 8650. An act granting an increase of pension to William C. Whitney;

H. R. 12442. An act granting an increase of pension to Mary E. Starr; and

H. R. 13086. An act granting an increase of pension to Eunice Henry.

The President, on March 2, 1901, approved the following bills:

H. R. 6204. An act for the relief of Olivia M. Clifford; and

H. R. 149. An act referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 5573) to amend section 203 of title 3 of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHoup, Mr. CARTER, and Mr. BATE as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 425) for the relief of John M. Davis.

The message also announced that the Senate had passed without amendment the following resolution:

#### House concurrent resolution No. 92.

*Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.*

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12665. An act supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases.

#### HARRISON CLARK.

Mr. GLYNN. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 12175) to correct the military record of Harrison Clark.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to correct the military record of Harrison Clark by dating his commission as second lieutenant, One hundred and twenty-fifth Regiment New York Volunteers (civil war), as of the date of May 6, 1864.*

The amendment reported by the Committee on Military Affairs was read, as follows:

At the end of line 7 add the following: "The date of his commission as amended by the governor of the State of New York."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SHACKLEFORD. I believe that we have pending in this House a number of bills of this kind which are meritorious; but I am opposed to selecting one out of the number for special consideration. I think they all ought to take their places on the Calendar and have an equal chance. Therefore I must object.

Mr. GLYNN. I hope the gentleman will withdraw his objection for a moment, while I make an explanation.

Mr. SHACKLEFORD. I will withhold the objection till I can hear the explanation.

Mr. GLYNN. Mr. Speaker, this bill simply seeks to correct the military record of this man in the national archives here as it has been corrected in the New York State archives by order of Governor Roosevelt. Harrison Clark was severely wounded in the battle of the Wilderness. For exceptional bravery in that engagement he was recommended for promotion.

Mr. SHACKLEFORD. I withdraw my objection.

There being no further objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Military Affairs was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GLYNN, a motion to reconsider the last vote was laid on the table.

#### LEGAL REPRESENTATIVE OF SAMUEL TEWKSBURY, DECEASED.

The SPEAKER laid before the House the following veto message of the President of the United States, which was read:

*To the House of Representatives:*

I return herewith, without approval, House bill No. 321, entitled "An act for the relief of legal representative of Samuel Tewksbury, deceased."

This bill provides for the payment to the legal representative of Samuel Tewksbury, late of Scranton, Lackawanna County, Pa., the sum of \$5,697, in full compensation for the use and occupation by the United States Government of a brick building and premises owned by him in the city of Scranton, Pa., as a depot or barracks for United States troops by the Provost-Marshal of the United States, from June, 1862, to June, 1865, inclusive.

The records of the War Department show that under date of April 26, 1865 Col. J. G. Johnson, chief quartermaster, forwarded to the office of the Quarter-

master-General a claim of Samuel Tewksbury for use of a building at Scranton, Pa., from February 24, 1864, to February 3, 1865, stated at \$1,133.33, and damage to said building at \$1,400; total, \$2,533.33.

In forwarding these papers Colonel Johnson remarked as follows:

"In the spring of 1864, Mr. Samuel Tewksbury presented to me, through his agents, a claim against the United States Government for use of the premises mentioned in the inclosed account and accompanying papers."

"I learned from Capt. S. N. Bradford; provost-marshal, Twelfth district, Pennsylvania, at Scranton, that lodgings were furnished to persons in the military service at that place by Gardner & Atkinson, under a contract with the provost-marshal; also that the contractors rented the building used for the above purpose from Mr. Tewksbury."

"Considering it a matter entirely between that gentleman and his tenants, Messrs. Gardner & Atkinson, I at that time refused to take any action in the matter whatever."

The claim was again submitted to the office of the Quartermaster-General on September 30, 1865, by Maj. W. B. Lane, and was returned on May 1, 1866, with the information that the United States had already paid for lodging all the troops under the control of the provost-marshal at Scranton, Pa., during the time for which charge for rent is made.

The claimant was referred to the officer or person by whom the building was taken for compensation for its use.

No other record of this case is found in the War Department, although it will be observed that the bill covers a period from June, 1862, to June, 1865, inclusive, while the claim as originally presented to the War Department was for occupancy of a building at Scranton, Pa., from February 24, 1864, to February 3, 1865.

It thus appears that when this claim was originally presented it was examined by the proper representative of the Government, and was rejected; that such use and occupation as the United States Government had of claimant's building was under a contract between the Government and the tenants of claimant, and that payment therefor was duly made by the Government. Now, after a lapse of some thirty-seven years, the period of use and occupation covered by the claim has increased threefold, and the compensation asked therefor has more than doubled.

Under the circumstances of this case I do not feel at liberty to approve the bill.

WILLIAM MCKINLEY.

#### EXECUTIVE MANSION, March 2, 1901.

Mr. GIBSON. I move that this message, with the accompanying bill, be referred to the Committee on War Claims and be ordered to be printed.

The motion was agreed to.

#### NATIONAL BUREAU OF STANDARDS.

Mr. SOUTHARD. I move to suspend the rules and pass the bill H. R. 11350 with the amendments as sent to the desk.

The Clerk read as follows:

A bill (H. R. 11350) to establish the national bureau of standards.

*Be it enacted, etc., That the Office of Standard Weights and Measures shall hereafter be known as the national bureau of standards.*

SEC. 2. That the functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard-measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

SEC. 3. That the bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations herein established.

SEC. 4. That the officers and employees of the bureau shall consist of a director, at an annual salary of \$5,000; 1 physicist, at an annual salary of \$3,500; 1 chemist, at an annual salary of \$3,500; 2 assistant physicists or chemists, each at an annual salary of \$2,200; 1 laboratory assistant, at an annual salary of \$1,400; 1 laboratory assistant, at an annual salary of \$1,200; 1 secretary, at an annual salary of \$2,000; 1 clerk, at an annual salary of \$1,200; 1 messenger, at an annual salary of \$720; 1 engineer, at an annual salary of \$1,500; 1 mechanic, at an annual salary of \$1,400; 1 watchman, at an annual salary of \$720, and 1 laborer, at an annual salary of \$600.

SEC. 5. That the director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of the Treasury, including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions.

SEC. 6. That the officers and employees provided for by this act, except the director, shall be appointed by the Secretary of the Treasury, at such time as their respective services may become necessary.

SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this act, the sum of \$27,140, or so much thereof as may be necessary; toward the erection of a suitable laboratory, of fireproof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the entire cost of which shall not exceed the sum of \$250,000, \$100,000; for equipment of said laboratory, the sum of \$10,000; for a site for said laboratory, to be approved by the visiting committee hereinafter provided for and purchased by the Secretary of the Treasury, the sum of \$25,000, or so much thereof as may be necessary; for the payment of the general expenses of said bureau, including books and periodicals, furniture, office expenses, stationery and printing, heating and lighting, expenses of the visiting committee, and contingencies of all kinds, the sum of \$5,000, or so much thereof as may be necessary, to be expended under the supervision of the Secretary of the Treasury.

SEC. 8. That for all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of the Treasury.

SEC. 9. That the Secretary of the Treasury shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this act into effect.

SEC. 10. That there shall be a visiting committee of five members, to be appointed by the Secretary of the Treasury, to consist of men prominent in the various interests involved, and not in the employ of the Government. This



committee shall visit the bureau at least once a year, and report to the Secretary of the Treasury upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the original committee shall be so arranged that one member shall retire each year, and the appointments thereafter to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. SOUTHARD. I ask unanimous consent that a second may be considered as ordered.

Mr. GILBERT. I object.

The SPEAKER appointed as tellers Mr. SOUTHARD and Mr. GILBERT.

The House divided; and the tellers reported—ayes 78, noes 11.

So the motion to suspend the rules was seconded.

The SPEAKER. The gentleman from Ohio [Mr. SOUTHARD] is recognized as entitled to twenty minutes.

Mr. SOUTHARD. Mr. Speaker, I hope we can have good order while this discussion is going on, for this is a very important measure, and I feel certain that it will be opposed by no one if it is fully and fairly understood.

It provides really for an enlargement of the existing Office of Weights and Measures under the Treasury Department. It, however, creates a separate bureau. The suggestion of this bill came from the Secretary of the Treasury himself. The bill was considered fully in committee, extensive hearings were had upon it; and it afterwards received the unanimous report of the Committee on Coinage, Weights, and Measures.

A similar bill was introduced in the Senate and referred to the Committee on Commerce. A subcommittee, consisting of Senators NELSON, GALLINGER, and TURNER, was appointed, and this subcommittee, after extensive hearings, reported unanimously to the full committee in favor of the bill. It has been indorsed more numerous than any bill we have had before the committee. It has been indorsed by practically all the heads of the Departments of the General Government. It has been indorsed very generally by the heads of the departments in the State governments. It has been indorsed by nearly all the scientific men of the country and nearly all the scientific associations. It has been indorsed by colleges and universities, whose officers have sent us their opinions in the shape of resolutions. It has been indorsed by the great manufacturing and commercial concerns of the country.

It has been especially indorsed by the railroads of the country, many of which maintain separate physical and chemical laboratories in connection with the running of the railroads. It has been indorsed by the great iron and steel manufacturing associations of the country. It has been indorsed by the manufacturers of locomotives, and indorsed especially by the manufacturers of electrical appliances and apparatus. I have to-day received a telegram which I will stop to read. It is signed "Carl Hering, President American Institute Electrical Engineers."

PHILADELPHIA, PA., March 2, 1901.

HON. DAVID B. HENDERSON,  
House of Representatives, Washington, D. C.

Consideration and passage standardizing bureau bill to-day extremely important to electrical industry, representing over two thousand millions of dollars. National humiliation not to have own standards. People, manufacturers, and Government all alike interested together; no opposition. Appropriation small. Bill probably pass both Houses if brought up.

CARL HERING,  
President American Institute Electrical Engineers.

We have had an office of weights and measures for a great many years, almost since the beginning of the Government, but for a very long time it has been ridiculously inadequate to meet the requirements of modern conditions.

Mr. HOPKINS. Mr. Speaker, I trust we may have better order. This is a very important measure, and every member of the House should have the information which the chairman of the committee is now giving.

Mr. SOUTHARD. Mr. Speaker, the functions of the present office of weights and measures are confined to the ordinary measurements of mass, length, and capacity. That was sufficient, perhaps, when that office was established. In the early days the standards in question were the pound, the yard, the bushel, and the gallon. Now, however, the progress of science and the complexity of industrial processes resulting from it require derived standards of a thousand and one kinds—all kinds of measuring apparatus—volumetric apparatus used in the chemical laboratories of the Government and similar laboratories all over the country—standards of measurement for high and low degrees of temperature, etc.

I must stop here to indicate some of the different kinds of measuring apparatus. They are barometers, thermometers, pressure gauges, polariscopes, instruments of navigation, steam-engine indicators, and instruments of a thousand different varieties. That the graduations and indications of these instruments should agree with

the fundamental standards is a question of most vital importance, and without the facilities for such tests and comparisons the public is deprived of the greatest benefits to be derived from the standards recognized by the Government. We have in this country to-day no means of testing these different instruments of precision. The result is, we have to send them to Germany or France or England or somewhere else to have them tested and calibrated.

Mr. Speaker, only last year some of the incandescent lights designed for use in some of our naval vessels were sent to Germany to be standardized to determine whether they came up to the requirements. That means a consumption of time. It means also a matter of expense to our people, and it results in a loss of prestige to this country which is incalculable. Nearly all of the instruments used in our scientific investigations are sent abroad for calibrating and standardizing. This ought not to be so. We are simply providing in this bill for what every large and progressive nation on this earth now has or is making haste to obtain. I think I am not stating that too strongly.

Germany has recently established a very important physical technical laboratory. England has followed suit. Germany appropriates something like \$100,000 annually to maintain her institution; England, something like \$62,000; Austria, \$45,000; Russia, something like \$45,000. France appropriates, I think, a larger amount than either of the latter two. This bill carries an annual appropriation for salaries of \$27,140. The bill as originally introduced carried an appropriation, for building and all, of something like \$314,000. The bill as amended provides for a building of a hundred thousand dollars. It cuts down the appropriation for the force from \$34,900 to \$27,140. We appropriate annually for standard weights and measures, of which I have just spoken, about \$10,000. This, of course, is to be taken from the \$27,000, which will make an increase in the actual annual expenditures of something like \$17,000.

I want to call the attention of the committee for just two or three minutes to what is provided by other governments in the matter of institutions of like character.

England has a standardizing department of the board of trade, the Electrical Standardizing Laboratory, the Kew Observatory, and the National Physical Laboratory, but recently established. Germany has what they call the Normal Aichungs Commission, for which a \$250,000 building has just been provided; the Physikalische-Technische Reichsanstalt, the building and grounds for which cost approximately \$1,000,000, and is maintained by an annual appropriation of about \$80,000. The number of people employed in the Reichsanstalt last year was 87.

As this subject is somewhat technical in character, I would like to call attention very briefly to some of the statements of witnesses who appeared before the committee. I first call attention to the statement of Dr. A. E. Kennelly, president of the American Institute of Electrical Engineers, who appeared before the committee. He says:

This matter is one of vital importance from a utilitarian standpoint alone, and I heartily indorse the remarks of the gentlemen who have preceded me. This is primarily a question of dollars and cents. The cost of the disputes which arise in the electrical business every year would several times cover the annual cost of the institution which you propose to found.

Such a standardizing bureau as it is proposed to create would have such importance and character that everybody would recognize its statements as authoritative, and its determinations should settle disputes which are constantly arising from that one thing alone.

The matter is also important in another direction. When a standardizing laboratory is established in any country there goes with it a certain prestige, a certain technological importance which reacts and ramifies in all the affairs of life. You can not create an establishment which shall declare what is the true measure of anything without creating at the same time the means of settling the numerous questions which come up in connection with such standards, and establishing thereby a focus of knowledge and intelligence. That knowledge and intelligence you can not measure in dollars and cents, but it is, nevertheless, a great power to the nation in the distribution of its labor and its wealth.

Dr. Pritchett, until recently the superintendent of the Coast and Geodetic Survey, has been and is one of the strongest advocates of this measure. He says:

There is no reason why our manufacturers of scientific apparatus should not compete with Germany and England for the trade of Japan, South America, and other foreign countries. But if an American maker at present desires to sell his thermometers or other instruments of precision at home or abroad, the first questions asked will be, What assurance is offered that the instruments have been properly tested; that they are what they pretend to be; that they measure with the correct units? At present no such assurance can be given. The result is that American manufacturers of scientific apparatus are seriously handicapped in their competition with the makers of Germany, France, and England. The encouragement the proposed bureau would afford to American manufacturers of this class would alone warrant its establishment.

An interesting factor in the commercial development of Germany has been the establishment of a similar institution, known as the "Physikalische-Technische-Reichsanstalt." Immediately after the Franco-Prussian war the Germans began a study of the means of extending their commerce, one of the results of which was to provide German manufacturers with the above institution. It has now been in existence thirteen years, and the results obtained by this institution are far beyond those anticipated by its most earnest supporters. To-day German standards and standard measuring apparatus are used the world over. You will find them in every department of our Government doing scientific work.

The fact that Germany can furnish instruments of precision and guarantee them serves not only to introduce that apparatus but other products to the world, and the commercial development which has grown out of the establishment of this institution in Germany has been one of the most interesting things to follow. It has created not only the demand for the instruments of the more accurate sort,



but, having introduced those, the less accurate and the more common instruments of commerce followed.

Therefore I come before the committee, without discussing any of the details, simply to say in a few words that I consider this measure exceedingly important from the standpoint of scientific men who are concerned, scientific institutions, the great branches of the Government which need this work; and from the standpoint of the commercial enterprises which would make use of such a standardizing laboratory. I consider this the most important measure which could come before you. The establishment of such an institution would not only enormously advance scientific interest, but in a still greater measure advance the manufacture of precise and delicate measuring apparatus of all kinds, and, through that, a great extension of our commerce in all directions. I consider this the most important measure you could pass relating to weights and measures.

Dr. McMurtrie is the president of the American Chemical Society, or was when he appeared before the committee. He is said to be one of the ablest chemists in the country. He not only stands high professionally, but is in direct touch with the practical side of the question involved in the proposed legislation, and this may be said of almost every man who appeared before the committee. I read a part of Dr. McMurtrie's statement.

I can say for myself and for the organization which I represent here that we fully indorse this measure. It is of the utmost importance to everybody who is engaged in scientific work, because work of the research laboratories furnishes the basis of all the work that is done on practical lines. My personal experience has been not only in the work in the research laboratory, but in later years largely in the practical lines, and I know perfectly well how important a bearing this matter of having accurate standards is to those who are engaged in technical work. It used to be said, speaking of methods which were used in the industries, for analytical work or in various measurements, that, after all, those methods were technical, and if they were approximately accurate it was all right. Now, as a fact, at the present time we find that the practical men of this country are great sticklers for accuracy, and even more so than are the men who are working in the research laboratories.

I have had charge of a laboratory in works in which there were nine chemists employed. Those men were kept busy all the time. They began early in the morning and they kept at work until late in the evening. In making their analyses and the various determinations which they had to make it was not possible for them to duplicate their work—it was not possible to make six or eight determinations and accept the average of those determinations as an accurate result, as a standard of their work, but they must get the average with one determination.

In the research laboratories it is common to follow the methods that I have referred to; that is, to make a series of determinations and accept the average as the final result, but in these technical laboratories that is not possible. There are too many measurements to be made in chemical work, particularly in which I am interested. The accuracy of the work therefore depends very largely and almost entirely upon the instruments with which one has to work. I will illustrate in our own laboratory. An invoice of material was received which was bought upon its purity.

The young men who are employed to determine what that purity is, as I stated before, have to make a great many tests during the day; they have not time to duplicate their work. There was one case which came within our experience, and which after the result was readily found and compared with the result obtained in the laboratory in France there was a very wide difference in the two, and the people whom we represented had a balance against them of about \$8,000. I sat down beside the young man who made the test and I found he had followed the methods perfectly; he had done everything that was required of him so far as the method of work was concerned, and it was only for us to determine where his mistake lay. His work was duplicated by one of his associates, and those two men were not able to get improved results. It was difficult to find where the mistake lay.

I found that this young man, who had a series of flasks in which to make his measurements, had an accident and dropped one of the flasks off the table, and it was necessary to substitute another. He did not have the time to standardize this flask, and we found, upon a careful standardization, that it was incorrect; that it varied enough to make the difference in the commercial results I have described. Now, it seems to me that we have no better illustration of the value of reliable standards. If we had had in that laboratory a set of instruments which had been properly calibrated by a person in authority, such as this bill provides for, it would have been an easy matter in the case cited to standardize the flask in question, and this difficulty would not have arisen. It required some three or four months of correspondence back and forth before that matter could be properly settled.

This happens in many laboratories. Constant disputes are occurring, and I think there is no place where there is a better illustration than in the custom-house and the relations between the United States custom-house and importers. I know something about that, because I have had occasion to go before the appraisers in some cases of disputes of tests of materials in which the collection of customs depended upon those tests. We have this illustrated in a most important way in connection with the collection of duties upon sugars. The very large amount of sugar which is imported into this country would make a very great difference in the money value if there should be a variation of even so much as two-tenths of 1 per cent.

Now, such differences are common and may result simply from the differences in the standardization of the instrument of two operators. The tests of the custom-house in regard to sugar particularly are made altogether by polariscope. Now, the use of the polariscope depends not only upon the length of the tubes which are used, but the temperature at which those tubes are used, and any variation of that kind may make a different result in two observers. The observer in the custom-house may get one result and the observer in the refinery would get another. There would be a dispute at once between the manufacturer and the custom-house. Disputes of that kind are always expensive.

Now, if the instruments used in both places are carefully calibrated and are carefully tested all of these disputes will be removed and a great deal of time and worry and expense would be obviated. There is another case which came under my observation very lately—a case which was carried into court. Some very carefully conducted experiments were thrown out entirely and completely because the observed temperatures were not measured with a thermometer calibrated in the German national testing laboratory.

If we had had such a laboratory in this country, then the instruments made in this country could have been used in the observations and the results of those observations would have been accepted by the court. The courts are demanding that kind of work. The courts demand it because commerce demands it and commerce demands it because the people demand it, and it seems to me that in the consideration of this matter you have the people of this whole country behind you, and it seems to me that it ought to influence you very strongly in the consideration of this matter.

These are the principal points I have in mind. Of course in connection with chemical work we have all kind of instruments, and use not only instruments of glass, but instruments of metal construction for making electric measurements. In fact, the whole range of physical tests is followed in the work of chemical

laboratories. I am sure that people who have to do with iron and steel will appreciate enormously the work that is proposed here. A slight variation in the composition of steel makes a very decided difference in the strength of that steel, and the railroads of this country are all establishing physical and chemical testing laboratories.

None of the important roads are now without them. The Pennsylvania Railroad during the last twenty-five years, under the direction of Dr. C. B. Dudley, has done an enormous work in the improvement of the manufacture of steel for railroad work and for all kinds of construction. There has been no greater work done in this country than that of Dr. P. H. Dudley, of the New York Central Railroad. We see how all the great industries and enterprises are dependent upon the accuracy of the instruments with which we have to perform the researches required in these various industries and enterprises, and I earnestly hope that the matter will receive favorable consideration of the committee and of Congress generally.

Mr. JONES of Washington. Will the gentleman permit me to ask him a question?

Mr. SOUTHARD. Certainly.

Mr. JONES of Washington. Is this a step toward the adoption of the metric system in this country?

Mr. SOUTHARD. It has nothing whatever to do with establishing the metric system of or any other system of weights and measures. The bill provides that one of the functions of the bureau shall be "the construction, when necessary, of standards, their multiples, and subdivisions;" it in no wise adopts a standard for the Government or anybody else. At present, we are told, there is no reliable photometric standard in this country. If a reliable photometric standard should be constructed by this institution when established, it would be a matter for sincere congratulation, but this bill would not compel anyone to adopt it or use it.

This bill proposes the standardizing of the instruments we possess for the General Government, for the States and municipalities, and for anyone else who may see fit to employ its services. It has nothing whatever to do with the metric system. I made that statement in the start. I wish to read just a paragraph from the statement of Dr. C. B. Dudley, chemist for the Pennsylvania Railroad Company.

You are doubtless quite well aware that where it is essential to have standard apparatus at the present time we are compelled to send abroad for it. There is no reason in the world why this work can not equally well be done in this country, and I am sure I voice the sentiment of everyone who is at all conversant with the facts in the case, and especially those who, like myself, have had endless disputes and conflicts during the years which have passed, some of which would have been avoided if we had had in this country a means of having the apparatus which we use in this country standardized.

The importance of this bureau in scientific investigation I leave to others, confining myself to the actual practical daily use of apparatus in commercial work. I have been connected with the Pennsylvania Railroad Company, I may say, for nearly twenty-five years, and the value of material alone which has been examined in our laboratory during that time can safely be said to be not less than \$50,000,000.

I most sincerely hope that your committee will see their way clear to make a favorable recommendation in regard to the establishment of this bureau, and that satisfactory legislation will follow that recommendation.

Captain Sigsbee, United States Navy, made a very interesting and valuable contribution to the information of the committee. I wish I could read all of it, but for want of time I shall read but a small part of what he says:

It seems to me very important that the Navy, when inviting bids, should be able to say that the standards offered should be those of a national bureau of standards. Doubtless bids would then be made by a greater number of competitors, and this would be very advantageous to the Navy. The Bureau of Equipment uses delicate instruments.

At the Observatory, which comes under that Bureau, they make magnetic and astronomical observations, which requires instruments of precision. Surveying and navigation come largely under that Bureau, and also meteorological observations at sea. The Hydrographic Office under that Bureau has between 1,500 and 2,000 voluntary observers of the weather at sea, all of whom use delicate instruments, which must be compared with standards for which again there ought to be an ultimate standard.

The Bureau of Equipment also, I might say, is charged by the Navy with matters pertaining to electricity, and makes many observations accordingly.

The Bureau of Steam Engineering gave me yesterday a list occupying a whole page of foolscap naming tests and observations required in that Bureau, all of which had some relation to the necessity for ultimate standards.

The Bureau of Construction makes tests in many directions which require ultimate standards.

The Bureau of Ordnance, as we all know, deals with questions of ballistics, and of measurements in the manufacture of guns, shells, and powder, and in many other ways the Bureau of Ordnance is interested in the establishment of ultimate standards.

In order to draw a parallel to what we desire to effect, I might invite attention to the fact that our National Observatory gives daily the standard of time for a vast region of country. We set our watches by the standard Observatory time, whereby we know that they are correct with respect to each other. This, in brief, in respect to all measurements, is what we want. I do not see any way of attaining authorized standards for ultimate application except by means of a national bureau; therefore I favor such an establishment.

The present state of the art of steel manufacture in this country is largely due to the high standard of tests persistently demanded by the Navy at the outset and against all opposition. A similar improvement may be expected in other arts from the maintenance of exalted standards. A bureau of standards under Government control would give universal encouragement to this end.

The bill has been enthusiastically indorsed by all the heads of Departments of the General Government having scientific bureaus, as well as by all the chiefs of such bureaus.

As furnishing an illustration of the necessity and value of this proposed bureau to the General Government, I will quote from the statement of the Secretary of Agriculture:

I have the honor to acknowledge the receipt of your letter of April 24, and beg to assure you that the establishment of a national standardizing bureau, having



the function outlined by you, will be of the highest value and importance, not only to the scientific bureaus, offices, and divisions of this Department, but to the country at large. Its influence will be felt wherever the quality and value of substances are fixed by chemical and physical tests, whether this be in connection with scientific investigations, in connection with manufacturing and other industrial processes, or in connection with commercial transactions.

Speaking for this Department alone, I wish to say that it has been our policy to patronize the American manufacturers of scientific apparatus whenever practicable without hampering our investigators by compelling them to use apparatus of an inferior grade. The art of the construction of scientific apparatus has been brought to such a high degree of perfection under the fostering care of European governments—notably Germany—that we have been compelled to send abroad a large proportion of our orders, either directly or indirectly, through importers. The greatest disadvantage resulting from this state of affairs is not the delay, inconvenience, and expense connected with making purchases abroad; nor is it to be found in the danger of injury to delicate and expensive apparatus during transportation across the sea.

It is the necessity of importing the certificate of a foreign government whenever an official certificate of accuracy is desired with apparatus. In Germany an order can be issued for apparatus with the specification that the goods delivered must be of the quality and accuracy recognized by the regulations established by the standardizing bureaus of the Imperial Government. Apparatus made in accordance with these regulations are regular commodities, and are described in the catalogues of all the apparatus makers and dealers. When the goods are received the purchaser is able to send a proper proportion of the shipment to the government standardizing bureaus and base his acceptance or refusal of the goods upon the results of the official tests. For the accommodation of customers who need certified apparatus for immediate use most of the dealers keep in stock apparatus bearing the official stamp.

The disadvantage under which American scientific workers—notably chemists—labor is evidenced by a recent experience of the Division of Chemistry of this Department. The confusion of standards and carelessness which has characterized the manufacture of graduated chemical glassware in the past is notorious. Some months ago the Division of Chemistry issued to an American dealer and importer an order for graduated glassware, to be made in accordance with the regulations of the German Imperial Testing Commission (Kaiserliche Normal Aichungs Kommission).

While all of this apparatus was to fulfill the requirements in point of construction and limits of error in graduation of the regulations named, certain pieces were to bear the official stamp of the Imperial commission. At the special request of the American dealer to whom the order was sent permission was granted to import only the pieces of apparatus requiring the official stamp and to supply for the remainder of the order apparatus of American manufacture, but made in accordance with the regulations named. After considerable delay the goods were delivered. The certified pieces were eminently satisfactory; the uncertified ones were quite the opposite. They were unsatisfactory both in the form of construction and in regard to accuracy.

As an example of the degree of inaccuracy, it may be stated that a flask marked to contain 100 cubic centimeters was found to contain 100.3 cubic centimeters. I do not believe that this experience was due to unworthy motives on the part of either the manufacturer or dealer. This experience is simply the result of the absence in this country of any well-established and authoritative standards governing the forms of construction, the system of graduation, and the allowable limits of error for apparatus of this kind. The mere adoption of regulations relative to the character of apparatus admissible for stamping by a national standardizing bureau will cause a revolution in the apparatus manufactured and give to it that highly important quality, uniformity.

As a further illustration of the great desirability of such an establishment, I may call your attention to the contention which has arisen in the courts in the United States in the last few years concerning the regulations prescribed by the Treasury Department governing the polarization of imported sugars. These regulations were prepared by a joint commission consisting of the Chemist of the Department of Agriculture as chairman, a representative of the Coast and Geodetic Survey, Office of Weights and Measures, and the Chemist of the Bureau of Internal Revenue.

The regulations were based upon the most careful scientific determinations and the apparatus and utensils employed by the customs-house officers standardized by the Office of Weights and Measures of the Coast and Geodetic Survey. Nevertheless, the accuracy of these officials has been called into question by the importers, and the question is now the subject of expensive and tedious litigation. The existence of such an office of your Department as you propose to establish would have avoided all such trouble by the weight of its authority. This is only one of the many instances where the utility of such a bureau would prove of practical advantage to official operations.

The above examples merely serve to illustrate the numerous ways in which the establishment of a national standardizing bureau will directly facilitate and increase the value of the scientific work of this Department. While it is a proper part of every scientific worker's training to be able to assure himself of the accuracy of his instruments and of their suitability for the work in hand, in these days of the division of labor the testing of apparatus has very properly become a well-defined specialty, requiring a special training, in order that the various operations connected with it may be performed with rapidity, with the greatest economy of time and apparatus, and with the highest degree of skill.

Our investigations need, first of all, clearly defined authoritative standards for many forms of apparatus, including volumetric apparatus, thermometers, etc.; second, they need the assistance of a readily accessible and properly equipped bureau charged with testing and official certification of apparatus; third, they need from time to time the cooperation of just such an institution as you describe in aiding them in devising and perfecting new apparatus for special purposes, as the progress of discovery in various branches of agricultural science makes them possible and useful.

I am sure that the close of this century of most brilliant scientific discoveries can not be given a more enduring monument in this country than the establishment of just such an institution as you describe under the head of a national standardizing bureau.

It would take much more time than we have at our disposal to refer even briefly to the many splendid indorsements received in support of the pending bill. The hearings had before the Committee on Coinage, Weights, and Measures, and also those had before the subcommittee of the Committee on Commerce in the Senate, have been printed, those in the Senate as a Senate document. No one can read these hearings without wondering why this country has waited so long to take the first step toward the establishment of a national bureau of standards.

We sincerely hope that the bureau of standards, when established, as it certainly must be, will become an aid to scientific and industrial progress in this country, such as the Reichsanstalt has been in Germany. Germany for several years has been rapidly advancing toward industrial supremacy in Europe. One of the potent fac-

tors in this notable advance is the perfected alliance between science and commerce existing there, and the Reichsanstalt is universally regarded as the crowning glory of her scientific advancement.

Professor Carhart, of Ann Arbor University, in a paper presented at the one hundred and forty-sixth meeting of the American Institute of Electrical Engineers in New York City, in September last, refers to the necessity of an institution in this country similar to the Reichsanstalt in the following language:

If Germany has found it to her scientific and industrial advantage to maintain the Reichsanstalt and is proud of what it accomplishes, and if Great Britain is so impressed with the success of the institution that she has decided to imitate it, it is surely the part of wisdom for the United States to move in the same direction. It is therefore very gratifying that at the suggestion of Secretary Gage a bill was introduced in the last Congress to establish a national standardizing bureau, and that the Committee on Coinage, Weights, and Measures reported unanimously and strongly in favor of its passage. So great is the importance of this movement from the point of view of science, of national pride, and of the higher interests of industrial pursuits that the effort, so happily begun, to secure suitable legislation should be repeated with redoubled force and enthusiasm. Some of the reasons for making this effort one does not need to go far to seek.

In the first place, the scientific interests to be served are certainly as great as in any other country in the world. Science is cultivated here with increasing assiduity and success. We are no longer content to follow in the footsteps of European savants and modestly repeat their investigations. Original work of a high order is now done in many American universities; but the difficulties under which university instructors prosecute research are even greater here than in Germany, and we are still compelled to go to Europe for most of our standards.

As a result, inventions of an almost purely scientific character originating here have been carried to perfection in the Reichsanstalt, and Germany gets the larger part of the credit. I need only instance the Weston standard cell, which has been so fully investigated at the Reichsanstalt, and the alloy "manganin," which the same institution employs for its standard resistances after a searching inquiry into its properties. Both of these are the invention of Mr. Edward Weston, one of the past presidents of this institute. So long as there is no authoritative bureau in the United States under Federal control and presided over by men commanding respect and confidence, we must continue "to utilize the far superior standardizing facilities of other governments."

It is true that science knows no nationality, but the scientific workers of any nation can serve their own country better if they are not compelled to obtain their standards and their best instruments from distant parts of the globe. America has the cultivation in physical science, the ability on the part of her investigators, and the inventive faculty to do work in a national institution that we shall not be ashamed to place by the side of Germany's best products. The establishment of a national institution for physical and technical purposes can not fail to foster a vigorous and healthy growth in science, to which we already owe so much of our national prosperity and renown.

In the manufacture of optical and scientific instruments Germany is leading the world, and we can not expect to compete with her in this line of manufacture unless we offer our own people equal facilities for standardization and calibration. If we have been successful in impressing the House with the real value and importance of the measure, we have no fear that it will not receive favorable consideration.

Some objection has been made to the salaries carried in the bill. In the bill as reported by the committee the salary of the director was fixed at \$6,000 per annum. In the judgment of the committee this is not too large, but to meet all possible objection in the amended bill the salary is fixed at \$5,000, with the hope that Congress may see fit to increase it at some future time. The officers of the bureau of standards will be called upon to determine the most important as well as the most difficult problems.

These decisions must be such as to command the respect of the world. The salaries proposed for the director and others in the scientific class are no higher than the corresponding positions in our leading educational institutions, and it should be kept in mind that the latter positions are to be preferred on account of the general impression which prevails that Government positions are subject to political changes, and the fact that the scientific men of educational institutions receive from three to four months' vacation annually, in which they may travel or study.

When men of the ability required for this position are willing to give up the many advantages they possess at educational institutions, there is open to them the position of scientific expert in the large industrial corporations—positions which frequently pay as much as \$10,000 per year. Moreover, a physicist or chemist of repute who holds a responsible position in an educational institution or industrial corporation in one of the large cities is frequently consulted and called upon for expert testimony, thus providing him with a source of income not available to the scientific men of the proposed bureau.

Some have thought the amount authorized for the building too large. The building must be solidly built.

It must be very solidly built, with heavy walls and floors. Many of the walls must be double, on account of temperature changes. The material in the building would be at least 50 per cent more than in an ordinary building of the same size.

The heating of the building is much more complicated and expensive than in ordinary cases. The heating plant must be of the most improved form, and capable of perfect regulation. It will cost twice as much as the usual heating plant.

In addition to the gas and water pipes of an ordinary building every room in the building must be provided with water and gas for laboratory purposes. There is also a system of compressed air and vacuum pipes which extend throughout the building. The



plumbing and piping of a laboratory is a very considerable item of its entire cost.

In addition to the usual electric-light wires there are several systems of wires and switchboards used in the distribution of electricity for experimental purposes to the various rooms. This item would be four or five times that in an ordinary building.

The windows are to be provided with light-proof shutters or blinds, in order that the rooms may be absolutely dark or flooded with light, as the work may require. Many of the windows should be double.

The heating plant, engines, dynamos, motors, pumps, and heavy machines or apparatus would be placed in a small building, detached from the laboratory proper, which must be free from vibration or disturbances of all kinds. The instrument shops would also be in the small building.

It will be understood that owing to the requirements of such a building, the appropriation, rather the authorization, is not too large. The building should be built in an isolated place.

It should be far enough from the city to insure freedom from the disturbances caused by traffic or electric street-car lines, but not too far from the Departments and shipping facilities. The site should be large enough to prevent the construction of buildings, street-car lines, or streets near the laboratory.

Mr. Speaker, as I said in the beginning, the bill should pass without a dissenting vote. A summary of the whole situation could not be made in better terms than those used by the honorable Secretary of the Treasury in his statement before the subcommittee in the Senate. He there said:

In a most general way I may state that it is open to our observation that a new country is raw in its methods. It does not work by close rule. There is often a large margin for waste. The technical and scientific side of affairs comes later on, when by the development of society the relation of things will become more complex. The law of competition becomes more closely applied, and we learn by slow and painful steps that accuracy and closeness and scientific skill are required to supplement what went on in a tolerably skillful way before.

This country has advanced now to a point where in all the great things of life it is in competition with the older and more thoroughly established nations of the world, and by more thoroughly I mean in the experience of trade, in the scientific application of ideas, and in all the economies which save waste and aid efficiency.

In this particular of standardizing weights and measures and testing apparatus of every kind the older countries are far ahead of us; in fact, it may be said that there is no comparison between us. We are dependent utterly upon Germany, perhaps France to some extent, and England for our measurements and those standards which we are obliged to resort to in testing and comparing when we enter into competitive work against them. The application of a standardizing bureau, if established, will be very wide. It touches the manufacturing arts and commerce and all scientific efforts, and it will be most important in the general work of education. We have come to a period where guesswork will not do and, to use an old familiar phrase, "pretty near" does not count. Exactness and absolute conformity to standards and uniformity are the essentials.

There is another side to that which occurs to me. It may appear to many to have a more sentimental than practical value, but it gives the proposition, to my mind, great force, and that is what might be called the moral aspect of this question, the recognition by the Government of an absolute standard, to which fidelity in all the relations of life affected by that standard is required. We are the victims of looseness in our methods; of too much looseness in our ideas; of too much of that sort of spirit, born out of our rapid development, perhaps, of a disregard or a lack of comprehension of the binding sanction of accuracy in every relation of life.

Now, the establishment of a bureau like this, where the Government is the custodian and the originator of these standards of weights and measures as applied to all the higher scientific aspects of life which we are so rapidly developing in, has, to my mind, a value far and above the mere physical considerations which affect it, although those physical considerations are fundamental and most important. Nothing can dignify this Government more than to be the patron of, and the establisher of, absolutely correct scientific standards and such legislation as will hold our people to faithfully regard and absolutely obey the requirements of law in adhesion to those true and correct standards.

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I agree with the gentleman; this is a very important bill—too much so, in my judgment, to be taken up here and passed in forty minutes, without the right of amendment anywhere under the rules of this House.

Now, I should like to ask the gentleman, if he will give me his attention, for information. I do not know anything about the bill. If I understood it, or if it was possible for me to understand it in the time we have to consider it, I might be in favor of it. I want to know what it will cost; how many dollars it will take for this new bureau, and how many officers will be required to run this business.

Mr. SOUTHARD. There is a force of 14 employees provided for in the bill; and I want to say this to the gentleman: I was talking with Mr. Colby, chief chemist of the Bethlehem Iron and Steel Company, and he told me the physical and chemical laboratory of that institution has continuously 36 employees. This bill provides a less force than is usual in the laboratories of the railroads and other business institutions of the country.

Mr. MADDOX. If I understood you just now, this will affect this country very greatly.

Mr. SOUTHARD. No question about it.

Mr. MADDOX. The various instruments that you mention—it will be necessary for the people of this country to buy new ones, will it not?

Mr. SOUTHARD. Oh, no; nothing of that kind.

Mr. MADDOX. Would they not have to have new books on this matter?

Mr. SOUTHARD. Nothing of that kind.

Mr. MADDOX. Now, I say I do not understand the bill. I started out on that idea.

Mr. SOUTHARD. The bill is one which can not be thoroughly understood without some study. It has been very carefully studied by the committees of both Houses, and the original bill was recommended by both Houses.

Mr. MADDOX. It seems to be unfortunate that you brought it up at this time.

Mr. SOUTHARD. It is a very important matter, and some start ought to be made during this session. It ought to have been done twenty years ago.

Mr. MADDOX. Has it passed the Senate?

Mr. SOUTHARD. It will.

Mr. MADDOX. Do you suppose it can possibly become a law at this session?

Mr. SOUTHARD. I have been assured that if it passes the House there will be no objection to it in the Senate.

Mr. MADDOX. What is the cost of this?

Mr. SOUTHARD. This bill carries an appropriation of \$167,140. That includes \$100,000 toward the building, which is authorized and not to cost to exceed \$250,000.

Mr. MADDOX. That includes the buildings and all?

Mr. SOUTHARD. The total cost of the buildings, including one annual appropriation for the force when the building is completed and the full force has been employed, will be \$314,000, and the bill carried this appropriation before it was amended.

Mr. MADDOX. What will it all cost? What will be the annual cost?

Mr. SOUTHARD. I am going to state. It is proposed when this is all completed to employ an annual force of 21 persons. When that is done and the buildings completed the total expenditure will be \$314,000. Understand, the annual appropriation for the full force would be \$34,900. I have already stated that Germany appropriates every year \$100,000 for the maintenance of a similar institution; England, \$62,000; Austria, \$45,000; and Russia, \$46,000. Now, I want to say this to the gentleman.

Mr. CANNON. One moment. I think the gentleman from Georgia is getting a misapprehension of the bill, not the fault of either gentleman. This begins with 14 employees. Now, you appropriate \$100,000 toward the erection of a building and then fix the limit of cost at \$250,000, and then provide for a laboratory besides.

Mr. SOUTHARD. Oh, no.

Mr. CANNON. Yes.

The SPEAKER pro tempore (Mr. HULL). The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Illinois five minutes.

Mr. CANNON. Now, section 7 reads as follows:

SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this act, the sum of \$34,900, or so much thereof as may be necessary; for the erection of a suitable laboratory, of fire-proof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the sum of \$250,000; for equipment of said laboratory, the sum of \$25,000.

So that for a bureau of fourteen persons you start out with over \$300,000 worth of buildings. I will ask the gentleman if he does not think that he ought to modify this measure for buildings not to exceed \$100,000?

Mr. SOUTHARD. I want to say to the gentleman that if he had been present at the hearings before the committee in this case he would readily conclude that these appropriations, or this authorization, is not excessive.

Mr. CANNON. I don't think there ought to be any bureau organized. He starts out and comes full armed, like Minerva from the brain of Jove. He says the scientists come and want it, but there is no use in housing them in \$300,000 worth of buildings. I believe it ought to be restricted to \$100,000.

Mr. HOPKINS. I ask unanimous consent that it be limited to \$100,000. I am greatly in favor of the passage of the bill, and I think we ought to conform to the wishes of gentlemen who are not in full accord with it.

Mr. SOUTHARD. I believe the gentleman from Illinois underestimates the importance of this bureau.

Mr. CANNON. This is a new service, and in my judgment it ought to be a division in the Coast and Geodetic Survey. If it needs some building, I think there is vacant ground on the other side of the Coast Survey building quite large enough for this building. Weights and Measures is now a division of the Coast Survey.



I think it would be better to authorize the standardizing division and let it go under the Coast Survey with a moderate salary to begin with until it justifies itself. But the gentleman thinks differently, and I have great regard for his committee, but I have not so much regard that I want to spend more than \$100,000 to house 14 people.

Mr. SHAFROTH. I would like to say that the Superintendent of the Coast and Geodetic Survey, who was before the committee, indorsed the bill heartily, and said that it ought not to be under the Coast and Geodetic Survey.

Mr. CANNON. I understand the gentleman is content to modify his measure so as to read: "For the erection of a suitable laboratory of fireproof construction for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, \$100,000, which shall cover the entire cost of the same."

Mr. THROPP. Does that include the site?

Mr. CANNON. Oh, you have got \$25,000 for a site besides.

The SPEAKER pro tempore (Mr. HULL). The time of the gentleman from Illinois has expired.

Mr. RICHARDSON of Tennessee. I now yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, when this measure was first presented to the committee, I thought the proposition was not a wise one. As a general thing I look upon the creation of offices as something that ought to be very carefully considered. But I have considered the question with great care, have talked with a good many people who know the practical workings of laboratories of the kind that is to be created under this bill, and I must say that in my judgment it is a measure which this Government should have passed long ago.

There is a new creation, as it were, of measures and of standards in the world. The development in electricity, in the great powers of heat, also in the great liquid-air field, have caused the creation of new units of measurements. It is now necessary to the manufacturers of instruments of precision that they should be gauged and calibrated here in the United States.

In the first place, it makes a fixed place to which reference can be made as to what is the standard. The difficulty to-day in the electrical field is that one manufacturer has one standard and another manufacturer a different one, and the result is it is all chaos; whereas if the Government establishes a standardizing bureau it fixes standards which all manufacturers must acknowledge, and thereby conduces to uniformity in measurements. Such a bureau will be of great service in compelling manufacturers to produce perfect work. When their product can be easily tested, self-interest will compel the highest order of work and will prevent the falsification of measures.

Such a bureau will add great reputation to the instruments of precision manufactured in this country, and by reason thereof extend the sales of the same throughout the world. There are contests arising, disputes arising, every day as to whether a certain meter is of the proper kind and measures properly. The Government itself ought to be the arbiter as to whether the meter is properly calibrated.

Now, Mr. Speaker, we find that inasmuch as the Government itself has to send many instruments to Europe for calibration that it would be a saving to the Government itself to some extent. But even if it would not we are hampering our manufacturers in not providing a place where they can have their instruments tested.

On account of the German bureau manufacturers of that country are gaining such reputation and such precedence for their goods that the American producers of the same goods are at a disadvantage in competing with them.

Unless we have some means of giving assurance that the instruments manufactured by Americans are of absolute certainty, they can never be brought up to equal in reputation those of Germany. Within the last ten years Germany has made great advances over England in this matter, although previous to that time England had the greater reputation.

But Germany, on account of the establishment of a bureau there and on account of the careful manner in which they have done their work, has established a reputation which gives to the German instruments calibrated by that Government a reputation all over the world as the most perfect of any. Our own manufacturers in order to sell are often obliged to have the goods sent to Germany to get there the certificate that their instruments are of equal character with those manufactured in Germany. This is a disadvantage which we should not any longer suffer to exist.

The report on this bill was unanimous and I hope the bill will pass.

Mr. RICHARDSON of Tennessee. One criticism, though it is somewhat technical, is suggested by the language of this bill. In providing for the appointment of a director of this bureau the language is that the President "shall appoint" that officer. It is true that the language is added, "with the advice and consent of the Senate;" but the phraseology ought to be that the President "shall

nominate and, by and with the advice and consent of the Senate, shall appoint." That is the language of the Constitution. I do not know that there was any object in varying from that language, but it seems to me the wording of the bill should be in accordance with the Constitution.

I yield two minutes to the gentleman from Connecticut [Mr. HILL], after which I will yield two minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HILL. Mr. Speaker, this is the unanimous report of the Committee on Coinage, Weights, and Measures. There is no political question whatever involved in it. If this country is going to "keep up with the procession" in our foreign trade as well as in our home trade we must have the same accuracy of measurements and the same methods of standardizing our various forms of weights and measures that other nations have.

Last year Germany spent \$116,000 in this direction, and in four establishments made 28,000 tests of various kinds. England spent \$62,000 and had 29,869 tests. Now compare that with the United States. Our Coast Survey in its Bureau of Weights and Measures spent \$10,400 and had only 1,333 tests.

If we are going to keep in line with the other nations of the world we must have some improvement in this system, which is a part of our Coast and Geodetic Survey. I believe that in one single thing in the measurement of electric arc street lights by means of a uniform standard, and thus enabling municipalities to know that they are getting the candle power in their arc lights which they are paying for—in this respect alone the establishment which this bill proposes to create will more than pay the people of this country the entire cost of maintaining the bureau. I sincerely hope that there will be in this House, as there was in the Committee on Coinage, Weights, and Measures, a unanimous vote in favor of this proposition.

I do not believe in extravagance. I have voted almost steadily at this and former sessions of Congress against the establishment of new bureaus. But I shall vote for this with pleasure. I hope, however, that the chairman of the committee will accept the suggestion that the appropriation now made be limited to \$100,000 instead of \$250,000 as proposed in the original bill. Let us establish the bureau, and then let it depend upon its own merits for any further development or enlargement in the future.

Mr. HOPKINS. Mr. Speaker, I do not desire to delay the House by occupying even the two minutes which the gentleman from Tennessee [Mr. RICHARDSON] has kindly yielded me. I regard this as one of the most important measures—

Mr. KNOX. Will not the gentleman occupy a part of his two minutes in explaining how this measure will affect the standardizing systems of the various States? Will it supersede them?

Mr. SOUTHARD. It has nothing to do with those. The bill provides that this bureau shall do its work free for the Government and for the different States, while it is to make a charge for such work as it may do for private individuals or corporations.

Mr. KNOX. Then this bureau will not supersede the similar establishments in the States.

Mr. SOUTHARD. It does not propose to supersede or interfere with anything. It does not determine the standards. It simply provides an institution where the standards can be tested.

Mr. HOPKINS. Mr. Speaker, this measure has been called for by all classes of American citizens, including those manufacturing fine machinery, scientific apparatus, electrical appliances, etc. It has been called for by colleges and by railroads, by cities and States.

As there appears to be no division of sentiment in regard to the adoption of the bill, the only question is as to the expense which ought now to be incurred in the establishment of this bureau. The bill calls for an appropriation of \$250,000. I agree with my colleague [Mr. CANNON] that it would be best to amend the bill and make the appropriation \$100,000. Let the future take care of the question as to whether we shall increase the expenditures upon this bureau.

[Here the hammer fell.]

Mr. SOUTHARD. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. OTJEN. Is it not true that this bill provides a system of fees which will largely pay the expense of running the bureau?

Mr. SOUTHARD. It will be largely self-supporting. Last September Prof. Henry S. Pritchett, of Ann Arbor University, read a paper before the American Institute of Electrical Engineers in New York City, portions of which I shall take the liberty of including in my remarks.

Mr. Speaker, I now ask unanimous consent that the bill may be amended in accordance with the suggestions of the gentleman from Illinois, striking out \$250,000 as the amount of the appropriation and substituting \$100,000.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the amendment which he has just indicated be incorporated in the bill. Is there objection?

Mr. GILBERT. I object.

The SPEAKER. The question now is on suspending the rules and passing the bill, with the amendment.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the bill was passed.

#### GOVERNMENT OF ALASKA.

The SPEAKER laid before the House the following Senate bill, with House amendment disagreed to by the Senate.

The Clerk read as follows:

A bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The amendment of the House was read.

Mr. WARNER. Mr. Speaker, I move that the House still insist on its amendment, and agree to the conference asked by the Senate. The motion was agreed to.

The SPEAKER. The Chair announces as managers on the part of the House Mr. WARNER, Mr. GIBSON, and Mr. LLOYD.

#### CHARGES AGAINST ROBERT W. WILCOX.

Mr. TAYLER of Ohio. Mr. Speaker, I present a privileged report. I ask unanimous consent that the reading of the report be dispensed with. The Committee on Elections No. 1 merely presents it to the House.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the report. There is no action to be taken. The report will be read by its title.

The Clerk read as follows:

In the case of the charges against ROBERT W. WILCOX, a Delegate from Hawaii.

The SPEAKER. This will be printed and referred to the House Calendar.

#### GEORGE M. DAVIDSON AGAINST G. G. GILBERT.

Mr. TAYLER of Ohio. Mr. Speaker, I present another privileged report in the contested-election case of George M. Davidson against G. G. Gilbert.

The Clerk read as follows:

Contested-election case of George M. Davidson against G. G. Gilbert.

The SPEAKER. This report will be printed and referred to the House Calendar.

#### E. D. SCOTT.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 12005) to correct the military record of the late E. D. Scott.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of E. D. Scott, late first lieutenant of Company E, Fourth Regiment Kentucky Volunteers, in the war with Spain, by erasing from the records any words which reflect in any way upon the military service and character of E. D. Scott, and that such officer be granted an honorable discharge as first lieutenant of said company and regiment, to date February 11, 1899.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I think there ought to be some explanation.

Mr. HAY. I will ask the Clerk to read the report.

The SPEAKER. The report is a very lengthy one.

Mr. BOREING. I suggest that the reading of the report be dispensed with.

Mr. SLAYDEN. Perhaps the gentleman will make a statement.

Mr. HAY. I will make a statement. I will read the report. It appears that when Lieutenant Scott was discharged from the Army that his colonel placed upon his record these words: "Service not honest or faithful, and character bad." Now the committee report that these words placed by his colonel on Lieutenant Scott's record were not justified according to the evidence, and that these words should be erased from the discharge of Lieutenant Scott. This does not carry any pension—

Mr. PAYNE. I have no objection, Mr. Speaker.

Mr. WHEELER. Mr. Speaker, I dislike to object; but this is not just to Colonel Colson.

Mr. HAY. There is nothing in the report reflecting on Colonel Colson in any way whatever.

Mr. WHEELER. I would like to inquire if Colonel Colson has been heard?

Mr. HAY. I have not heard from him. The bill was introduced by the gentleman from Kentucky [Mr. BOREING], was referred to the Committee on Military Affairs, and was referred to me to draw the report. There is no purpose in it except to gratify the feelings of the father, who himself is about to die. I do not see how it can reflect upon Colonel Colson, and there is no disposition or purpose to reflect upon him.

Mr. WHEELER. Mr. Speaker, I would like the Chair to allow me to speak to my colleague. [After a pause.] Mr. Speaker, I object.

The SPEAKER. Objection is made.

#### JOHN C. WECKLER.

Mr. BOUTELL of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler.

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the record of John C. Weckler, who enlisted as John C. Brown, late private in Company C, Thirtieth United States Infantry, and to grant him an honorable discharge from said service.

The amendment recommended by the committee was read, as follows:

Add after the word "service," at the end of line 7, the following: "as of date June 21, 1865: *Provided*, That no pay, bounty, or emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection?

Mr. SHACKLEFORD. I object.

Subsequently

Mr. SHACKLEFORD. Mr. Speaker, under a misapprehension a moment ago I made objection to the bill H. R. 1452. I desire to withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. Is there further objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BOUTELL of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bill of the following title; in which the concurrence of the House was requested:

H. R. 13947. An act increasing the limit of cost of certain public buildings, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

#### Senate concurrent resolution 115.

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 30,000 copies of the hearings, including the majority report and views of the minority thereon, before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the briefs submitted relating to House bill No. 3717, 20,000 copies of which shall be for the use of the House of Representatives and 10,000 copies for the use of the Senate. The usual number shall not be printed.

#### KATE KING.

Mr. BULL. Mr. Speaker, I call up privileged resolutions from the Committee on Accounts.

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives is hereby directed to pay, out of the contingent fund, to Kate King, widow of Mark King, late an employee of the House, a sum equal to six months of his salary, and funeral expenses not to exceed \$250.

The resolution was agreed to.

#### J. R. WHITACRE.

Mr. BULL. Also the following.

The Clerk read as follows:

#### House resolution No. 353.

*Resolved*, That the Clerk of the House of Representatives is hereby authorized to pay to the widow of J. R. Whitacre, late a messenger on the soldiers' roll of the House of Representatives, a sum equal to six months' salary, and funeral expenses not to exceed \$250, the same to be immediately available.

The resolution was agreed to.

#### VIRGINIA P. WISE.

Mr. BULL. Also the following.

The Clerk read as follows:

*Resolved*, That the Clerk of the House be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Virginia P. Wise the sum of \$67.72, being the amount due her as clerk to the late Representative Richard A. Wise from December 1 to December 21, 1900.

The resolution was agreed to.

#### FANNIE A. CLARKE.

Mr. BULL. Also the following.

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Fannie A. Clarke the sum of \$32.25, being the amount due her as clerk to the late Representative Frank G. Clarke from January 1, 1901, to January 10, 1901, inclusive.

The resolution was agreed to.

#### RICHARD H. TOWNLEY.

Mr. RIXEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy.



The bill was read, as follows:

Whereas Lieut. Richard H. Townley, United States Navy, after seventeen years of active service, was placed upon the retired list of the Navy by reason of disability incurred through arduous service and excessive and prolonged exposure in the line of duty; and

Whereas the said Richard H. Townley has entirely recovered from the said disability which caused his retirement, and is able to perform active duty; and

Whereas the said Richard H. Townley volunteered for active duty, and served continuously and creditably during the war with Spain; and

Whereas several other officers who have been retired have been restored to and are now on the active list: Therefore, that justice may be done the said Richard H. Townley, and that the Navy Department may be enabled to command his services for all and any duty to which he may be assigned,

*Be it enacted, etc.,* That the President be, and hereby is, authorized to appoint Richard H. Townley, now a lieutenant (junior grade) on the retired list of the Navy of the United States, to the grade and rank of lieutenant-commander on the active list, as of the date March 3, 1899, and next after his classmate, Moses L. Wood; and the provisions of law regulating appointments in the Navy by promotion and limiting the number of lieutenant-commanders on the active list are hereby suspended for the purposes of this act: *Provided*, That the said Richard H. Townley shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *And provided further*, That he shall be additional to the number of officers prescribed by law for the grade of lieutenant-commander, and in any grade to which he may hereafter be advanced.

The amendments recommended by the committee were read, as follows:

Strike out line 4 after the word "rank."  
Strike out lines 5, 6, 7, 8, and 9 to and including the word "act."  
Insert in lieu thereof, after the word "rank," in line 4, "of lieutenant (junior grade) on the foot of the active list."  
Strike out, in line 13, the word "and."  
Strike out lines 14, 15, 16, and 17.

The SPEAKER. Is there objection?

Mr. HOPKINS. Reserving the right to object, I would like to hear a little explanation of this bill.

Mr. RIXEY. Mr. Speaker, I will say to the gentleman from Illinois that this lieutenant is not a resident of my district.

Mr. HOPKINS. Mr. Speaker, I can not hear what the gentleman says.

Mr. RIXEY. I am not responsible for that.

The SPEAKER. The House will be in order.

Mr. DAYTON. Mr. Speaker, let me say to the gentleman that this is exactly opposite to retiring a man. It is where a man has been retired and wants to return to the service.

Mr. HOPKINS. I do not withdraw my objection. I want to know something about it.

Mr. DAYTON. This man was retired; he is on the retired list, and was retired because of disability. He has recovered from the disability incurred during the service, is now a well man, and it is proposed to restore him to the rank right where he left off—not in advance, but right where he left off. The Navy is needing just such officers. He is a brave, manly fellow; he is now in the Philippines in the service, and he wants to get back into the service.

Mr. HOPKINS. Does it advance him over other officers?

Mr. DAYTON. Not at all. It puts him at the foot of the grade that he was in when he had to be retired.

Mr. HOPKINS. I withdraw my objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RIXEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### WORLD'S COLUMBIAN EXPOSITION.

Mr. HEATWOLE. Mr. Speaker, I present for consideration the following.

The Clerk read as follows:

Senate concurrent resolution 72.

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 3,000 copies of the Special Expert Reports as prepared under the direction of the committee of awards of the Columbian Exposition, held in Chicago in 1893, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

The amendment recommended by the committee was read, as follows:

Strike out all after the resolving clause and insert in lieu thereof:

"That there be printed 3,500 copies of so much of the report of the committee on awards of the World's Columbian Commission as is contained in the special reports upon special subjects or groups as were prepared by expert judges authorized to act by the World's Columbian Commission, its executive committee on awards, the committee on final report, or the board of reference and control, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the Department of State."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

#### SHIP BALCLUTHA.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13530) to provide an American register for the steamship *Manauense* and the ships *Antiope* and *Balclutha*.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steamship *Manauense* and the foreign-built ships *Antiope* and *Balclutha*, owned by citizens of the United States, to be registered as vessels of the United States.

With the following amendments, recommended by the committee:

In line 5, before the word "*Balclutha*," insert the word "ship."

In line 7 strike out the word "vessels" and insert "vessel."

Strike out the words "steamship *Manauense* and the foreign-built ships *Antiope* and."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I would like to hear some explanation from the gentleman.

Mr. GROSVENOR. At the time of the annexation of Hawaii there were certain merchant vessels bearing the flag and register of Hawaii. By act of Congress about a year ago in the long session we adopted an American register for all of these vessels excepting this one. The provision originally of this bill was to admit three, but on an investigation there appeared to be some question about the origin of two of them, and the committee reported only in favor of the one that is now submitted.

That one belonged regularly to Hawaiian citizens and was registered under the Hawaiian flag, and was in all respects upon all fours with those admitted heretofore. I will say to the House that it is the last one of the merchant marine of Hawaii that is not already registered under the American flag.

Mr. UNDERWOOD. Who are the present owners?

Mr. GROSVENOR. J. J. Moore, an American citizen.

Mr. UNDERWOOD. And it belonged to a Hawaiian citizen at the time of annexation?

Mr. GROSVENOR. At the time Hawaii came into our country, and it would have been included in the former bill had we known of the exact conditions existing at that time.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

#### LOAN OF NAVAL EQUIPMENT TO MILITARY SCHOOL.

Mr. ZENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every 20 cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least 140 cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time 150 cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required.

Mr. ZENOR. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 9 strike out the word "twenty" and insert "fifty."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. ZENOR, a motion to reconsider the last vote was laid on the table.

#### IMMEDIATE TRANSPORTATION PRIVILEGES, EVERETT, WASH.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4509) extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Everett, a subport of entry in the customs collection district of Puget Sound.

The SPEAKER. Is there objection?

Mr. GROSVENOR. I would like to hear from the gentleman what committee reported this bill.

The SPEAKER. The Ways and Means Committee.

Mr. RICHARDSON of Tennessee. I understand the bill has been reported favorably by the Ways and Means Committee:

Mr. CUSHMAN. Yes; and passed the Senate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11881. An act to amend the acts for the protection of birds, game, and fish in the District of Columbia;

H. R. 13067. An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent taxes;

H. R. 12904. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes; and

H. R. 8068. An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain bonded indebtedness of said county.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 437. An act for the relief of Isaac McConaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

S. 5698. An act to extend the time for the completion of a bridge across the Missouri River;

S. R. 158. Joint resolution ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States; and

S. R. 115. Joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

#### COMMITTEE ON BANKING AND CURRENCY.

The SPEAKER. The Chair lays before the House the following request:

The Clerk read as follows:

Mr. BROSIUS requests that the Committee on Banking and Currency be authorized to be have printed and bound such matter for the use of said committee as it may deem necessary in connection with the subject considered or to be considered by said committee.

The SPEAKER. Without objection, this request will be granted.

There was no objection.

#### RECESS.

Mr. PAYNE. Mr. Speaker, I am informed that the deficiency appropriation bill will not be here from the Senate before 10 o'clock this evening, and it is necessary to get it into conference to-night. I therefore move that the House take a recess until 9.30. The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes), the House was in recess until 9.30 this evening.

At 9.30 o'clock p. m. the House resumed its session.

The SPEAKER. The Clerk will read the Journal of the proceedings from the last approval up to date.

The Clerk thereupon read the Journal.

The SPEAKER. Without objection, the Journal will stand approved as far as read.

There was no objection.

#### J. W. PEGLOW.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14269) concerning a lease between J. W. Peglow and the Seneca Nation of New York Indians.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That the agreement of lease dated October 11, 1900, entered into between the Seneca Nation of Indians, in council assembled, and J. W. Peglow, of Silver Creek, N. Y., on October 11, 1900, granting to said Peglow the right of excavating and removing sand from the premises described in said agreement, be, and the same is hereby, ratified and confirmed.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would be glad to have some explanation, reserving the right to object.

Mr. SHERMAN. I will be glad to explain it. It came from the Committee on Indian Affairs. They have considered that carefully. It is simply a proposition to confirm a lease made by the Seneca Nation of Indians in open council and for a piece of property owned by the tribe and not by any individual Indian.

Mr. RICHARDSON of Tennessee. Has the Commissioner of Indian Affairs recommended the passage of this bill?

Mr. SHERMAN. He has not recommended it, because he has not been asked to. It was sent to the Secretary of the Interior, and the only reason it was not confirmed there was because of the

opinion of the Attorney-General that they had no right under the law to confirm the lease. Otherwise it would have been confirmed by the Department and Congress would not have been asked to act in the matter. It was a unanimous report from the Committee on Indian Affairs.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it seems to me that a lease of this kind ought at least to have been submitted to the Department or the Indian Bureau and been acted on by them.

Mr. SHERMAN. It was submitted to the Department, though not by the committee; but it was not approved by the Department, because, as I have stated, the Attorney-General held that the Department had no right under existing law to approve the lease.

Mr. BAILEY of Texas. Has the gentleman personally examined the lease?

Mr. SHERMAN. I have.

Mr. BAILEY of Texas. And the gentleman thinks it fair to the Indians?

Mr. SHERMAN. I do.

Mr. BAILEY of Texas. Was this lease before the Committee on Indian Affairs?

Mr. SHERMAN. It was—the original lease.

Mr. BAILEY of Texas. And the committee has unanimously recommended this bill?

Mr. SHERMAN. Yes, sir.

There was no objection; and the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. VREELAND, a motion to reconsider the last vote was laid on the table.

#### BRIDGE ACROSS NEHALEM BAY AND RIVER, OREGON.

Mr. MOODY of Oregon. I ask unanimous consent for the present consideration of the bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon.

The bill, with the amendment reported by the Committee on Interstate and Foreign Commerce, was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MOODY of Oregon, a motion to reconsider the last vote was laid on the table.

#### SUBPORTS OF ENTRY AND DELIVERY IN HAWAII.

Mr. KNOX. I ask unanimous consent to take from the Speaker's desk for immediate consideration the bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii.

The bill was read, as follows:

*Be it enacted, etc.* That such places in the customs district of the Territory of Hawaii as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER. Is there any objection to the present consideration of this bill?

Mr. PAYNE. Mr. Speaker, a House bill substantially like this bill of the Senate was referred for some reason or another to the Committee on Territories. The Committee of Ways and Means considered the subject, and I was authorized and directed at a meeting a week or two ago to take steps to get the bill into the hands of the Committee of Ways and Means.

But the bill was overlooked until the last meeting of the committee. I have no doubt in my own mind that this Senate bill ought to pass. I believe that if it were considered by the Committee of Ways and Means they would recommend it. I therefore make no objection to the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. KNOX, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, House bill No. 13372, similar in its provisions to the Senate bill just passed, will be laid on the table.

There was no objection.

#### NATIONAL BANKS.

Mr. LANE. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

The bill was read, as follows:

*Be it enacted, etc.* That section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended to read as follows:

"That whenever three-fourths in number of the national banks located in



any city of the United States having a population of 25,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller, with the approval of the Secretary of the Treasury, shall have authority to grant such request, and every bank located in such city so designated shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent of its deposits, as provided in sections 5191 and 5192 of the Revised Statutes: *Provided*, That no bank with a capital of less than \$100,000 shall be thus designated."

Mr. BAILEY of Texas. I demand a second on the motion to suspend the rules.

Mr. LANE. I ask unanimous consent that a second may be considered as ordered.

Mr. BAILEY of Texas. Pending that, I desire to ask a question, after which I may not object to this request.

Owing to the confusion in the Hall during the reading of the bill, I do not feel certain as to its provisions. Is it a bill to reduce the lawful reserve of these banks?

Mr. LANE. It proposes to amend the present requirement as to population, substituting 25,000 for 50,000, and also to reduce the requirement as to capital from \$200,000 to \$100,000 in reserve cities.

Mr. BAILEY of Texas. It does not touch the amount of the reserve which the banks will be required to carry?

Mr. LANE. Not at all. The requirement in that respect will be the same as now—25 per cent. It simply reduces by 50 per cent the population and the capital required.

Mr. BAILEY of Texas. If that is all there is in the bill, I have no objection.

The SPEAKER. In the absence of objection, the motion to suspend the rules is seconded. The Chair recognizes the gentleman from Iowa [Mr. LANE] for twenty minutes. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion to suspend the rules—

Mr. BAILEY of Texas. Mr. Speaker, I must have some further explanation of the bill before the vote is taken.

The SPEAKER. Does the gentleman from Iowa desire to be heard?

Mr. LANE. If the gentleman wishes an explanation, I am willing to make one.

The present law requires that the capital of these banks shall be at least \$200,000 and the population of the cities in which they are located not less than 50,000. The result of this is that at present, under the existing law, there are in the United States, outside of the 3 special reserve cities, only 28 reserve cities.

Mr. BAILEY of Texas. The effect of the bill, as I understand, would be to increase the number of reserve cities, and thus more evenly distribute the bank reserve throughout the country.

Mr. LANE. That is the object of the bill, and that will be its effect.

Mr. BAILEY of Texas. That being so, I have no objection to an immediate vote.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 14236. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

#### KNOXVILLE POWER COMPANY.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.

The SPEAKER. The bill will be read.

Mr. GIBSON. The bill has already been twice read in extenso in the hearing of the House. I ask that the reading now be dispensed with.

Mr. PAYNE. I think the bill ought to be read at the present time.

The bill was read, as follows:

*Be it enacted, etc.*, That the Knoxville Power Company, of Knoxville, Tenn., be, and is hereby, authorized to construct a lock and dam across the Tennessee River at or near Knoxville, for the purpose of furnishing power for lighting, manufacturing, and other purposes: *Provided*, That the maximum charges for light, power, and other purposes, provided by the said Knoxville Power Company, shall be at all times subject to the regulation and control of the Secretary of War; but the Secretary of War shall not increase the rates fixed by the city of Knoxville.

Sec. 2. That said company, in the construction and operation of said lock and dam, shall conform to all the conditions and requirements that may be made by the Secretary of War.

Sec. 3. That before beginning the work the Knoxville Power Company shall file with the Secretary of War the plans, drawings, specifications, etc., to be used in connection with the construction of said lock and dam, and shall have his approval thereof, and until such approval is given the structure shall not be commenced.

Sec. 4. That the work of construction of said lock and dam shall be carried

on in such a manner as not to unnecessarily interrupt or impede navigation while it is in progress; and when constructed the lock and dam shall be operated free of cost and charge to all vessels passing through the same, and at the cost and expense of the said Knoxville Power Company: *Provided*, That the works shall be so constructed and operated as not to interfere in any way with the regular flow of water in the river, and any ponding up or storing the water during certain periods so as to use it more rapidly during other periods is hereby prohibited: *Provided further*, That the said company shall be responsible for any damage or injury inflicted upon navigation interests by said works or by reason of the failure of the said company to comply with any conditions or requirements made by the Secretary of War in respect thereto, and the said company shall also be responsible for any damage to private property resulting from overflow, and any litigation arising from any of these causes may be tried in the courts of the United States for the district in which the said works are situated: *Provided further*, That should the works at any time and for any cause whatever become an unreasonable obstruction to navigation, the Secretary of War shall have authority to direct and compel the Knoxville Power Company to make such changes as may be necessary to obviate such obstruction at the expense of the said Knoxville Power Company.

Sec. 5. That this act shall be null and void if actual construction of the works be not commenced within two years and completed within five years from the date hereof.

Sec. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### TIMBER-CULTURE LAWS.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2866.

The Clerk read as follows:

A bill (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington.

*Be it enacted, etc.*, That section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1063, volume 23, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Nevada," in said amended act, insert the words "California, Oregon, and Washington."

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for a brief explanation in regard to this bill.

Mr. JONES of Washington. Mr. Speaker, under the act of 1878 the citizens of the States of Colorado, Montana, Idaho, North Dakota, South Dakota, Wyoming, and the district of Alaska and the gold and silver regions of Nevada and the Territory of Utah were given the right to cut timber for mining, agricultural, and domestic purposes under such rules and regulations as the Secretary of the Interior might make; and under those regulations also, and under this act, it was provided that in all other mining districts they could do the same thing.

The Secretary of the Interior has held that these terms, general in their nature, do not apply to California, Oregon, and Washington. This bill only proposes to extend the same privilege to the States of California, Oregon, and Washington as are given to other mining States. There can be no question that they are mining States; and the only object, as I say, is to extend the same privilege to the citizens of those States.

Mr. SULZER. Well, I understand that this bill will permit the cutting of timber upon Government reservations.

Mr. JONES of Washington. It allows the cutting of timber on mining lands for domestic and mining purposes. For instance, a man is mining a claim and has not sufficient timber on that land, and he can go into another mining district and take enough for domestic purposes, under such regulations as the Secretary of the Interior may prescribe. If he does that under the law as it now is in those States, he would be liable to punishment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### THIRTEENTH ANNUAL REPORT OF THE COMMISSIONER OF LABOR.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 52.

The Clerk read as follows:

#### Senate concurrent resolution 52.

*Resolved*, That there be printed and bound in cloth 8,000 copies of the report of the Commissioner of Labor on hand and machine labor, known as his thirteenth annual report, of which 5,000 shall be for the use of the Department of Labor, 1,000 for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

## MEMORIAL VOLUME TO THE LATE HON. JOHN SHERMAN.

Mr. KERR of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 314.

The Clerk read as follows:

Joint resolution (H. J. Res. 314) to receive and deposit in the Library of Congress a memorial volume to the memory of the late Hon. John Sherman.

*Resolved, etc.*, That the Librarian of the Library of Congress be, and he is hereby, authorized and directed to receive and deposit in the Library of Congress a memorial volume to the memory of the late Hon. John Sherman; the said volume to be prepared by the executors of the will of decedent, and the same to be done without expense to the United States.

The SPEAKER. Is there objection? The Chair hears none.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I was about to ask the gentleman a question. Is this a usual course? Has this ever been done before?

Mr. KERR of Ohio. I never knew it to be done. It could have been.

Mr. WILLIAMS of Mississippi. I dislike to appear ungracious; but I think we had better not establish this precedent, and I shall object, Mr. Speaker.

The SPEAKER. Does the gentleman from Mississippi object?

Mr. WILLIAMS of Mississippi. Yes, sir.

The SPEAKER. Objection is made.

WILLIAM H. HUGO.

Mr. PEREA. Mr. Speaker. I ask unanimous consent for the present consideration of the bill S. 792.

The Clerk read as follows:

A bill (S. 792) for the relief of William H. Hugo.

*Be it enacted, etc.*, That the laws regulating appointments in the Army of the United States be, and they are hereby, suspended for the purpose of this bill, and that in view of his services to his country the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint William H. Hugo, now of Fort Bayard, N. Mex., a first lieutenant of cavalry in the Army of the United States, and thereupon to place him on the retired list of the Army, with the pay and emoluments of a retired officer, with the rank of a first lieutenant, without regard and in addition to the retired list now authorized by law.

Mr. UNDERWOOD. Mr. Speaker, I think it will save time. I object to the bill. This is similar to other bills that have been objected to.

The SPEAKER. Objection is made.

## JAMESTOWN AND NORTHERN RAILROAD.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.

The bill was read, as follows:

*Be it enacted, etc.*, That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding 200 feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July 28, 1883, made and submitted to the United States Indian agent at Devils Lake Agency by F. R. Delano on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior; which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company, by a resolution of the board of directors of said company adopted October 5, 1883, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cut-head Sioux Indians, occupying the Devils Lake Reservation, within sixty days after the passage of this act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes the same shall revert to the United States; and that the right to repeal, alter, or amend this act is reserved to Congress.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I want some explanation of the bill.

The SPEAKER. The gentleman from North Dakota is asked to give an explanation of his bill.

Mr. SPALDING. Mr. Speaker, this is a bill which is desired to pass by the Indians that are affected, by the railroad company, and by the Department of the Interior.

This is a bill which provides for the payment by the Northern Pacific Railway Company to these Indians for the right of way which has been occupied by the railroad company through the Indian reservation since 1883, and by reason of the failure of this bill to pass this body, where it has been constantly since that time, although twice passed by the Senate, the Indians have been deprived of their pay for the right of way through the reservation in accordance with the agreement made in writing between the Department and this railroad company in 1883.

Mr. RICHARDSON of Tennessee. Will the gentleman tell us why the railroad has not the right to make that payment without coming to Congress?

Mr. SPALDING. Because of the treaty made between the

United States and these Indians in 1867, and because the general law passed since that date on the subject is not applicable to this particular location.

Mr. RICHARDSON of Tennessee. How is the value of this right of way to be ascertained under this bill?

Mr. SPALDING. The value has already been agreed upon by the Indians and the railroad company at \$10 an acre, which, in my judgment, having full knowledge of the location of the road and the character and value of the land of that vicinity, is more than the land is worth.

Mr. RICHARDSON of Tennessee. Does the Secretary of the Interior recommend them to sell for \$10 an acre?

Mr. SPALDING. He does earnestly recommend the passage of this bill; and it has been the subject of a message of the President of the United States to Congress recommending its passage.

Mr. RICHARDSON of Tennessee. Has the bill been considered by the Committee on Indian Affairs?

Mr. SPALDING. It is unanimously reported favorably.

Mr. RICHARDSON of Tennessee. If the value of the land has been agreed upon between the parties—that is, the Indians and the railroad company—and the Secretary of the Interior approves the bargain, is there no authority to make it without coming to Congress?

Mr. SPALDING. This is the judgment of the Indian Department and the Interior Department.

Mr. RICHARDSON of Tennessee. I do not want to make any objection, if it is necessary to pass the bill; but I ask the gentlemen would it not be wiser legislation, instead of asking Congress to authorize this bargain, to authorize the Secretary of the Interior to make the bargain, if he deems it a proper one for the Indians?

Mr. SPALDING. The bargain, I will say to the gentleman, has already been made and approved by the Indian Department; and all that is lacking to enable them to get the price of the land is the passage of this bill. The money has been held for them since 1883, and caused great dissatisfaction on the part of the Indians because they have not had it before now.

Mr. RICHARDSON of Tennessee. Is this a Senate bill?

Mr. SPALDING. It is not.

Mr. RICHARDSON of Tennessee. Instead of this appeal for Congress to close this deal or contract, I think it certainly would be better legislation for Congress to enact a bill to authorize the Secretary of the Interior, if in his judgment it is proper, to make this contract, and give him authority to do so. I think the gentleman ought to accept an amendment to that effect.

Mr. SPALDING. I will say that several Secretaries of the Interior have already given their judgment in writing to this effect, and have recommended the passage of this bill.

Mr. RICHARDSON of Tennessee. Is that letter on file here?

Mr. SPALDING. I have an executive document which contains several letters from that Department.

Mr. RICHARDSON of Tennessee. I understand the gentleman to say that an executive document contains a letter from the Secretary of the Interior.

Mr. SPALDING. It does; and the Indian Committee of this House have a letter, and also the Indian Committee of the Senate.

Mr. RICHARDSON of Tennessee. Will not the gentleman publish as a part of his remarks the letter from the Secretary of the Interior recommending this bargain?

Mr. SPALDING. I will be very glad to do so. The letters are as follows:

DEPARTMENT OF THE INTERIOR, Washington, June 5, 1900.

SIR: In response to your letter of the 31st ultimo, with which you forwarded H. R. 10228 and H. R. 11900 for report, I have the honor to state in reference to the latter, being "A bill granting right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota," that the Department, on April 20 last, recommended favorable legislation on S. 3145, a bill similar in its purposes, and renews, in behalf of the above-named H. R. 11900, the recommendation then made for the passage of the said Senate bill.

I transmit for your information copies of letters from the Indian Office, dated April 18 and the 4th instant, on the said Senate and House bills, which meet with my approval.

Separate report of even date has been made on H. R. 10228, herein referred to.

Very respectfully,

E. A. RITCHCOCK,  
Secretary.

HON. JAMES S. SHERMAN,  
Chairman Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, June 4, 1900.

SIR: The office acknowledges receipt, by Department reference of the 1st instant, for immediate report, of a communication from Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs, House of Representatives, submitting for the report of this Department H. R. 10228 and H. R. 11900, "A bill granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota." Mr. SHERMAN requests a report upon said bill by this Department.

Separate report has been made upon said H. R. 10228. Reporting upon said H. R. 11900, the office has the honor to state that on April 18, 1900, it made report to the Department upon Senate bill 3145, bearing the same title as said H. R. 11900. By comparison it is found that the



two bills are identical. The office therefore incloses a copy of its said report of April 18, 1900, on Senate bill 3145, as its report upon the bill in question. Mr. SHERMAN's letter and the bill are returned herewith. A copy of this report is also inclosed.

Very respectfully, your obedient servant,

A. C. TONNER,  
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, April 18, 1900.

SIR: The office acknowledges receipt, by Department reference of the 9th instant for consideration and report, of a communication from Hon. JOHN M. THURSTON, chairman of the Senate Committee on Indian Affairs, submitting Senate bill 3145, "A bill granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota." Senator THURSTON requests a report upon said bill for the information of his committee.

The bill provides:

*Be it enacted, etc.,* That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding 200 feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July 28, 1883, made and submitted to the United States Indian agent at Devils Lake Agency, by F. R. Delano, on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing, thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior, which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company by a resolution of the board of directors of said company, adopted October 5, 1883, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cuthead Sioux Indians occupying the Devils Lake Reservation within sixty days after the passage of this act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes, the same shall revert to the United States, and that the right to repeal, alter, or amend this act is reserved to Congress.

In reporting upon the matter, the office has the honor to state that a full history of this case will be found in office report to the Department dated December 11, 1884, printed with accompanying papers containing the negotiations with the Indians in House Ex. Doc. No. 31, Forty-eighth Congress, second session, to which your attention is respectfully invited. A further report was made to the Department under date of December 12, 1885, also printed with accompanying papers in Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which your attention is also respectfully invited.

Under date of September 4, 1890, in reporting on Senate bill No. 1810, Fifty-first Congress, first session, this office made a further report to the Department on this same subject-matter, to which your attention is also respectfully invited. Said executive documents and the above-mentioned communication present a full history of this case. For your further information in the premises there is transmitted herewith a copy of said office letter of September 4, 1890.

A further report concerning the construction of said railroad through the Devils Lake Reservation was made to the Department on Senate bill No. 175, under date of October 30, 1893. Said report, however, contains no information not found in the said executive documents and the report of this office of September 4, 1890, above referred to.

As will be seen from the correspondence above cited, a number of different bills have been introduced in Congress granting the Jamestown and Northern Railway Company a right of way through the Devils Lake Reservation without definite action having been reached upon any of them. In addition to the bills above referred to, Senate bill No. 839 and House bill No. 316 (substantially identical with previous bills) were introduced during the first session of the Fifty-second Congress, without final action being reached thereon, so far as this office is advised.

The bill submitted by Senator THURSTON for report is substantially identical with the draft of the bill prepared by this office and submitted with said office report of December 11, 1884, and this office has repeatedly urged the importance of securing the legislation proposed thereby. The railroad has been constructed through the reservation and in operation since the spring of 1885, and the Indians are greatly dissatisfied because they have not been paid for right of way of the road through their lands, and they have repeatedly called upon this office for an explanation as to why the amount agreed upon between them and the company has so long been withheld from them.

The "proposition in writing" between the Indians and the railroad company referred to in the bill will be found printed in said House Ex. Doc. No. 31, Forty-eighth Congress, second session. The object and purpose of the bill is merely to ratify or confirm said agreement or "proposition in writing" and to fix a basis for settlement by the company with the Indians.

As heretofore, this office now expresses an earnest desire that the present bill speedily be enacted into law. The bill and Senator THURSTON's communication are returned herewith; a copy of this report is also inclosed.

Very respectfully, your obedient servant,

A. C. TONNER,  
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12665. An act supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States,"

approved May 5, 1892, and fixing the compensation of commissioners in such case;

H. R. 13947. An act increasing the limit of cost of certain public buildings, and for other purposes; and

H. R. 11598. An act for the relief of Frank B. Case.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3283. An act for the relief of Isaac R. Dunkelberger;

S. 4171. An act to amend an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893;

S. 5022. An act to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.;

S. 425. An act for the relief of John M. Davis;

S. 1632. An act to amend an act authorizing certain officers of the Navy and Marine Corps to administer oaths, approved January 25, 1895;

S. 3489. An act authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company;

S. 4787. An act to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy;

S. 5331. An act to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.; and

S. 2936. An act authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army.

#### GENERAL DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House the general deficiency bill.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the House nonconcur in all the Senate amendments to the deficiency appropriation bill and ask for a conference.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent that the House nonconcur in all the Senate amendments to the general deficiency bill and ask for conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER appointed as managers on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.

#### CIVIL GOVERNMENT FOR ALASKA.

Mr. WARNER. Mr. Speaker, I present a conference report on the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for the civil government for Alaska, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

V. WARNER.

HENRY R. GIBSON,

JAMES T. LLOYD,

Managers on the part of the House.

THOMAS H. CARTER,

WILLIAM B. BATE,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

Statement of the House conferees on S. 5573, a bill to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The House amended the Senate bill by striking out the word "licensed," in line 10, on page 2, and inserting in lieu thereof the word "license," and by inserting, immediately after the word "chapter," in line 9 of page 2, the following:

"Fifty per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary, by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska."

The Senate disagreed to the two amendments and asked a conference, which was granted, and the committee of conference having met, after full and free conference agreed to recommend to their respective Houses that the Senate recede from its disagreement to the amendments of the House, and to agree to the same.

V. WARNER.

HENRY R. GIBSON,

Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

#### PERSONAL REQUEST.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

Mr. SOUTHARD asks unanimous consent to extend his remarks in relation to the national bureau of standards bill in the RECORD—his remarks to be confined to said bill.

The SPEAKER. Without objection, the request will be granted. [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until to-morrow afternoon at 2 o'clock.

The motion was agreed to; and accordingly (at 10 o'clock and 33 minutes p. m.) the House was in recess until 2 o'clock to-morrow afternoon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a report of the board of officers on claims for property taken for military purposes within the United States during the war with Spain—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of the operations of the excise board of the District for the license year ended October 31, 1900—to the Committee on the District of Columbia, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KING, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 14241), submitted his views thereon (Report No. 2927, part 6); which was referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12552) providing for the purchase and making free of certain toll roads leading into and passing over the Yosemite National Park, reported the same with amendment, accompanied by a report (No. 2989); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTS, from the Select Committee on the Examination and Disposition of Documents, to which was referred the resolution H. Res. 168, reported in lieu thereof a resolution (H. Res. 442), accompanied by a report (No. 2990); which said resolution and report were referred to the House Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10983) to restore Charles H. Campbell to the Army and transfer him to the retired list, reported the same adversely, accompanied by a report (No. 2987); which said bill and report were ordered to lie on the table.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13587) for the relief of Col. Azor H. Nickerson, reported the same adversely, accompanied by a report (No. 2988); which said bill and report were ordered to lie on the table.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JETT (by request): A bill (H. R. 14325) relating to the care of the remains of all officers, soldiers, sailors, or other persons connected with the Army, Navy, or transport service, who lose their lives while in the service of their country—to the Committee on Military Affairs.

By Mr. NEWLANDS: A bill (H. R. 14326) to provide for the disposal of the arid public lands and to authorize the construction of reservoirs for the storage of water and other necessary irrigation works for arid-land reclamation, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 315) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China—to the Committee on Foreign Affairs.

By Mr. BROMWELL: A joint resolution (H. J. Res. 316) concerning improvements in the free-delivery service in the city of

Washington, D. C.—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas (by request): A joint resolution (H. J. Res. 317) transmitting the claim of Turtle Mountain Indians to the Court of Claims for adjudication and settlement—to the Committee on Indian Affairs.

By Mr. ROBERTS, from the Select Committee on the Examination and Disposition of Documents: A resolution (H. Res. 442) authorizing the Librarian of Congress to take certain reports and documents for use of Library of Congress—to the House Calendar.

By Mr. LONG: A resolution of the legislature of Kansas, favoring the establishment of a Federal court at Kansas City, Kans.—to the Committee on the Judiciary.

By Mr. BARNEY: A memorial of the legislature of Wisconsin, relative to certain war-revenue taxes—to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 14327) for the relief of Ella Willburn—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 14328) granting a pension to George Baker—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 14329) granting a pension to John C. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14330) granting a pension to Mary B. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14331) granting a pension to Electa McLean French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14332) granting a pension to Adelaide C. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14333) granting a pension to Frank Hiler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14334) for the relief of James K. Davie—to the Committee on Military Affairs.

Also, a bill (H. R. 14335) granting an increase of pension to Theodore C. Putnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14336) granting an increase of pension to Thomas Wilkinson—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of 68 citizens of Philadelphia, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. BUTLER: Petition of voters of the Sixth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ESCH: Resolutions of the American Paper and Pulp Association, in favor of the Overstreet bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

By Mr. FITZGERALD of New York: Resolutions of the Paint, Oil, and Varnish Club of New York, advocating the erection of a new post-office in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Association of Official Agricultural Chemists, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the American Paper and Pulp Association, for the passage of the Overstreet bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Business League, National Association of Agricultural Implement and Vehicle Manufacturers, and of the National Board of Trade, opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on Irrigation of Arid Lands.

By Mr. GAMBLE: Petition of Harney Post, No. 28, Grand Army of the Republic, of Rapid City, S. Dak., favoring the publication of the Records of the Rebellion for distribution to Grand Army of the Republic posts, etc.—to the Committee on Printing.

By Mr. GILLETT of Massachusetts: Petitions of 30 citizens of the Second Congressional district of Massachusetts; Young People's Society of the Fourth United Presbyterian Church of Allegheny, Pa.; Baptist Ministers' Conference at Chicago; executive board of Kings County, N. Y., and Greenpoint Sunday School



Association of Brooklyn, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 16 citizens of Independence, Iowa; Hope Baptist Church and Riverside Baptist Church, of New York City, for the prohibition of the sale of firearms, opium, and intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. GLYNN: Petitions of the Fourth Presbyterian Church of Albany, N. Y., and 84 citizens of Albany County, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Resolutions of the American Paper and Pulp Association, in favor of the passage of a bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade and National Business League, for the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. JONES of Washington: Petition of Women's Christian Temperance Union of West Washington, D. C., against the sale of intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petitions of Chase & Sanborn, of Chicago, Ill.; Brotherhood of Locomotive Firemen; Chicago Federation of Labor, and National Association of Agricultural Implement and Vehicle Manufacturers, for irrigation and reclamation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

By Mr. McALEER: Resolutions of American Paper and Pulp Association, favoring the exchangeability of metallic currencies at the Treasury at the option of the holder—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, Washington, D. C., favoring the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MERCER: Resolution of the American Paper and Pulp Association, favoring the passage of the Overstreet currency bill—to the Committee on Banking and Currency.

By Mr. MORRELL: Resolutions of the Chicago Federation of Labor, opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on Irrigation of Arid Lands.

By Mr. NAPHEN: Resolutions of the American Paper and Pulp Association of New York, favoring the Overstreet currency bill—to the Committee on Banking and Currency.

Also, resolutions of the National Business League, National Board of Trade, New York, and Carpenters and Joiners of Boston, Mass., for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of W. S. Hancock Command, No. 1, Chelsea, Mass., favoring Senate bill No. 5055, known as the prisoners-of-war bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Liberty Assembly, No. 2315, Knights of Labor, of Fort Wayne, Ind., in favor of Charles Morgan's advancement in the Navy—to the Committee on Naval Affairs.

By Mr. RUPPERT: Resolutions of the Paint, Oil, and Varnish Club of New York, favoring the pneumatic-tube service in large cities and the proposed new post-office building in New York City—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Board of Trade in relation to the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the American Paper and Pulp Association, recommending action in establishing our currency on a sound basis—to the Committee on Banking and Currency.

By Mr. RYAN of New York: Petition of the American Paper and Pulp Association for the passage of the Overstreet bill, relating to the exchangeability of metallic currencies, etc.—to the Committee on Banking and Currency.

Also, petition of the Paint, Oil, and Varnish Club of New York, favoring extension of the pneumatic-tube service in large cities—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Paint, Oil, and Varnish Club for new post-office building in New York City—to the Committee on Public Buildings and Grounds.

Also petition of the National Board of Trade, Washington, D. C., for irrigation and reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. SHOWALTER: Petition of voters of the Twenty-fifth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Beaver, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands

against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Resolutions of the National Board of Trade for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the Paint, Oil, and Varnish Club, of New York, in favor of the extension of the pneumatic-tube postal service in the larger cities, and for the erection of a new post-office building in New York—to the Committee on the Post-Office and Post-Roads.

By Mr. SUTHERLAND: Resolutions of the National Board of Trade, favoring the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. THAYER: Petition of Young People's Society of Christian Endeavor of Worcester, Mass., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Resolutions of American Paper and Pulp Association favoring the Overstreet bill, providing for the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, recommending the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

## SENATE.

*[Continuation of proceedings of legislative day, Saturday, March 2, 1901.]*

The Senate reassembled at the expiration of the recess, at 3 o'clock p. m., Sunday, March 3, 1901.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House has passed the following bills:

A bill (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington;

A bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.; and

A bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5573) to amend section 202, of title 3, of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BURTON, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota;

A bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon;

A bill (H. R. 14269) to confirm a lease between J. W. Peglow and the Seneca Nation of New York Indians;

A bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;" and

A bill (H. R. 11350) to establish the National Bureau of Standards.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 8,000 extra copies of the report of the Commissioner of Labor on Hand and Machine Labor.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (H. R. 12291) making appropriations for